RCMP

ROYAL CANADIAN MOUNTED POLICE

2011 - 2012

Annual Report
Management of the RCMP Disciplinary Regime

Adjudicative Services Branch

Royal Canadian Mounted Police / Gendarmerie royale du Canada

Canada

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"The effective management of employee behavior is a central component of supervisory responsibilities. Where behavior of a member of the RCMP fails to meet the expected standard, it is imperative that swift and measured action be taken."

Commissioner's letter to Commanding Officers, January 3, 2012

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Message from the Director General

At the end of February 2012, I commenced my duties as the Director General of the Adjudicative Services Branch, and I am pleased to note that 2012 ushered in the 31st anniversary of having formalized adjudicative services for discipline in some form in the RCMP.

The Commissioner has made a priority of dealing with disciplinary cases in a timely and expedient fashion. In a letter dated January 3, 2012, the Commissioner stressed that Commanding Officers need to be responsible and accountable in dealing with matters of member misconduct:

> *"I expect that Appropriate Officers [Commanding Officers] will use their commands to ensure the timely preparation of discipline related documents. I will hold Appropriate Officers personally responsible for the swift recognition of misconduct, the prompt execution of adequate analysis, and the timely preparation of supporting documentation and process."*

It will be extremely important for the Adjudicative Services Branch to support the call to address formal discipline matters in a more timely fashion. In addition, the Commissioner has not only set out his high expectations in this area, he has also committed to providing temporary supplemental resources to deliver on those expectations. This resourcing will permit the Branch to deliver more effective management of the RCMP formal disciplinary regime. Steps have already been undertaken to fill vacancies, increase the number of representatives and add another discipline adjudicator. Several new directors have been named, and there will be further transition towards more active management of files and proceedings, reliance on video-conferencing and written or electronic submissions where appropriate, continued emphasis on the Early Resolution Process, and settling cases at the lowest level with the shortest delay. It will be the responsibility of all stakeholders and parties to take up the challenge to improve the formal disciplinary process.

While the inventory of formal discipline cases continues to pose a challenge, more formal discipline cases were adjudicated in 2011-2012 (51) than in 2010-2011 (46). Further, there was a 22 percent increase in the number of concluded cases in 2011-2012 (89) compared to 2010-2011 (73). Once all the resources are in place, the challenge will be to reduce the inventory and length of time taken to deal with formal discipline matters, as the public interest requires a more robust resolution to these issues.

Recognition of Superintendent John Reid for 14 years of dedicated service to the Adjudicative Services Branch from 1998 to 2012

Dedication, professionalism and sense of honour have characterized the 39 years Superintendent John Reid has spent in the Force. I would like to take this opportunity to thank John for his service and particularly wish to acknowledge the enormous contributions he has made over the last 14 years to Adjudicative Services Branch. I wish John a long and healthy retirement.

Craig S. MacMillan
Director General, Adjudicative Services Branch
Royal Canadian Mounted Police

CHAPTER 1

2011-2012

The RCMP Disciplinary Regime

1.1 Report Overview

The 2010-2011 annual report examined trends and findings in the management of the RCMP disciplinary process dating back to the year 1994. It recognized the efficiencies brought about by the Case Management System Pilot Project that permitted the implementation of consistent procedures to try to more effectively manage Adjudication Board hearings within defined timelines and the Early Resolution Process that allows for more timely resolution of formal disciplinary hearings.

This year's annual report highlights both the successes and challenges faced by the RCMP in the management and functioning of the disciplinary process. Significant changes that occurred over the last reporting period include the transitioning out of the Case Management System Pilot Project, the creation of the National Code of Conduct Database, and the implementation of the Reporting Policy for Serious Occurrences. Challenging issues include resourcing and timely disposition of formal discipline cases.

1.2 Ministerial Directive

In 2008, the Minister of Public Safety issued direction to the Commissioner of the RCMP regarding the Force's disciplinary process. The aim was to bring about additional clarity and enhanced accountability. *The Ministerial Directive on the RCMP Disciplinary Process* is the impetus for this report.[1]

In addition to ordering that an annual report on the management of the RCMP disciplinary process be prepared, the Ministerial Directive calls for:

- the standardization of the application of, and enhancements to the transparency of the disciplinary process set out in the *Royal Canadian Mounted Police Act (RCMP Act)*;
- the maintenance and ongoing monitoring of comprehensive records on all disciplinary files;
- the effective coordination and efficient administration of the RCMP disciplinary system;
- nationally consistent policies and protocols to inform RCMP members of the requirements and procedures associated with the disciplinary process;
- regular training for appropriate staff to promote awareness of and compliance with the above requirements and procedures; and
- a designated representative of the Commissioner, having regard for legal and operational considerations, to inform the Minister in a timely manner of significant disciplinary matters.

1 The Ministerial Directive is reproduced in Appendix A.

1.3 Overview of the Disciplinary Regime

(i) Historical Overview

The RCMP's disciplinary process has evolved from the careful examination and consideration of appropriate legislative measures during the 1970s and 1980s. The provisions now under Part IV of the *RCMP Act* include those for informal and formal disciplinary actions.

In the 1976 *Report of the Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedures within the Royal Canadian Mounted Police* (Marin Commission), it was found that the RCMP disciplinary regime was essentially punitive. The penalties available were: cautioning – a formal oral admonishment by an officer; warning – a written reprimand by an officer; charging with a service offence; and compulsory discharge.

Disciplinary charges alleging major and minor service offences were tried within a Service Court presided over by a single commissioned officer. The accused member was permitted to request the representation of another member, however, there was no entitlement to professional counsel. Service Court proceedings used the same adversarial process and rules of evidence as criminal trials. Punishments included imprisonment for up to one year, fines, loss of pay, reduction in rank, loss of seniority, a reprimand or compulsory discharge.

The Marin Commission reported that Service Court proceedings were patterned on the adversarial system. The member and the prosecutor could call, examine and cross-examine witnesses, evidence was given under oath and the presiding officer determined law and fact. There was "ambiguity, equivocation, misunderstanding and mistrust" through the inconsistent application of rules of evidence and standards of proof (i.e. "balance of probabilities" as in a civil trial or "beyond a reasonable doubt" as in a criminal trial).[2] The report of the Marin Commission provided recommendations aimed to define and clarify the rights, obligations, rules and procedures of the RCMP's formal disciplinary system.

Following the analysis by the Marin Commission, the RCMP recognized its disciplinary system lacked impartiality and procedural rights. To address this, and in advance of legislative change, the Adjudications Branch was created in 1981 in an attempt to bring consistency and professionalism into the administration of the Service Court process.

In 1985, the Adjudications Branch became the Professional Standards Directorate, which was created as a centralized unit that had dedicated personnel with legal training to act as trial officers, and defence and prosecution counsel. The objectives were the development of: expertise, more efficient, consistent and timely processes, and more control over the process.

The 1988 amendments to the *RCMP Act*, based on the work of the Marin Commission, created a wider range of disciplinary options and removed the penalty of imprisonment. Service Court proceedings before the trial officer became hearings before a board of three adjudicators. Representatives of the parties involved in the proceedings became appropriate officer representatives and member representatives.

In the summer of 2004, in the wake of concerns about member representation and delays in the system, the RCMP Pay Council was asked by the Staff Relations Representatives

2 Canada, *Report of the Commission of Inquiry Relating to Public Complaints, Internal discipline and Grievance Procedures within the Royal Canadian Mounted Police* (Ottawa: Minister of Supply and Services, 1976), pages 111-131.

and RCMP management to undertake a review of the RCMP's internal disciplinary system.

The key findings of the *Pay Council Report* related to undue delays within the disciplinary system, particularly at the investigative and adjudicative stages of the process. Another issue was the perceived failure of the system to meet the legislative intent that it be corrective, expeditious and informal, rather than overly formal and punitive. The *Pay Council Report* further stressed internal investigations into alleged breaches of the *RCMP Act* Code of Conduct were far too slow and there was a failure to advise members of their progress.

The *Pay Council Report* suggested a renewed commitment to managing the disciplinary system as an integrated program with unified responsibility, oversight and coordination. This new approach would help ensure discipline was administered as a single, continuous program in a prompt, effective manner while maintaining the autonomy of investigations and the adjudications and representative programs. The report suggests doing this by way of an accountability framework precisely setting out where investigations and programs were and were not answerable to RCMP management. It was recommended that the role of unit and divisional command, particularly with respect to administering informal discipline at the lowest possible level, be re-emphasized. At the investigative level, it was stressed that investigations must be conducted expeditiously and be continuously supervised and monitored. Finally, at the adjudicative level, the process called for a more direct involvement by the boards in scheduling and concluding matters in a timely manner.

The Pay Council recommendations were revisited in December 2007 when the Task Force on Governance and Cultural Change in the RCMP submitted its final report, *Rebuilding the Trust*, to the Minister of Public Safety and to the President of the Treasury Board.

The Task Force had been given a mandate to report and make recommendations on numerous aspects of the RCMP, and discipline was one of them. With respect to the disciplinary system, it recommended that the RCMP:

- implement the *Pay Council Report* recommendations with whatever amendments management deemed appropriate;
- establish a centralized disciplinary authority;
- eliminate backlogs existing in its disciplinary system;
- re-commit itself at the highest levels to the expeditious and informal resolution of disciplinary matters at the lowest possible levels; and,
- establish reasonable time frames for the commencement and completion of disciplinary investigations with these only rarely exceeding six months and, at the outside limit, be held to one-year time limits subject to the ability of the RCMP to apply for extensions to facilitate contemporaneous criminal investigations.

In January 2008, through a Ministerial Directive on the RCMP Disciplinary Process, the Minister of Public Safety directed the Commissioner to standardize the application of the RCMP's disciplinary process and enhance its transparency.

(ii) *RCMP Act* Code of Conduct

RCMP members are subject to the same laws as all Canadian citizens. In addition, on- and off-duty, members are governed by the Code of Conduct (which is outlined in the *Regulations* to the *RCMP Act*). Matters of employee misconduct are taken seriously, and the *RCMP Act* gives an officer or member in command of a detachment the authority to initiate a Code of Conduct investigation. Any RCMP member found to have contravened the *RCMP Act* Code of Conduct may be disciplined.

It is important to note that an RCMP member is entitled to fairness and due process throughout a Code of Conduct investigation and any ensuing disciplinary proceeding or action. Should the officer or member in command of the detachment conclude that the allegation is substantiated, the officer or member will then decide what type of discipline is appropriate. Depending on the seriousness of the contravention, disciplinary action can be informal or formal and sanctions vary in scope.

(iii) Informal and Formal Discipline

The *RCMP Act* allows informal action to be taken to discipline members or officers contravening the *RCMP Act* Code of Conduct by the member in charge of a local detachment or the responsible officer, without a requirement for a formal process. Less serious violations are to be addressed by "informal disciplinary action."[3] The informal disciplinary actions provided are generally of a corrective nature.[4]

All informal disciplinary actions are considered personal information as defined in Section 3 of the *Privacy Act*. As such, disclosure is governed by the *Privacy Act* and information is generally only provided to the parties involved. Informal disciplinary actions can range from counseling to a reprimand.

Any member against whom informal disciplinary action is taken in the form of a direction to work under close supervision, a forfeiture of regular time off, or a reprimand, may appeal. An informal discipline appeal must be presented within the 14-day limitation period set out in the *Commissioner's Standing Orders (Disciplinary Action)*.

Formal discipline is warranted when a member has contravened the *RCMP Act* Code of Conduct and informal disciplinary action would not be sufficient. A formal disciplinary hearing is then initiated and notice is served on the subject member.

The designated officer appoints an Adjudication Board, which is convened to hear testimony, receive evidence and render a decision with respect to the allegations of misconduct. The parties, normally represented by legal counsel, have a full opportunity to present evidence, to cross-examine witnesses and to make representations. The Adjudication Board must follow established legal principles and weigh all of the circumstances, including factors that aggravated and/or mitigated the professional misconduct.

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3 Emphasis is on the informal resolution of contraventions of the Code of Conduct, preferably at the detachment level and supports the principle that informal discipline is to be applied at the lowest possible level to ensure a high level of accountability.

4 At the formal level as well, the legislation provides for corrective measures, although clearly it was intended to be punitive when necessary.

Should formal disciplinary sanctions be imposed following a disciplinary hearing, they can range from a forfeiture of pay for a period not exceeding 10 work days, demotion or dismissal. The Adjudication Board may also impose informal disciplinary measures in addition to, or as a substitute for, formal disciplinary sanctions. With the exception of dismissal, sanctions imposed after the formal disciplinary hearing process are also intended to be primarily corrective or remedial.

(iv) Treasury Board Values and Ethics Code for the Public Sector and the RCMP Organizational Code of Conduct

Recently developed as a requirement of the *Public Servants Disclosure Protection Act* (*PSDPA*), the Treasury Board's *Values and Ethics Code for the Public Sector* modernizes the existing code for the Public Service. It outlines the expected behaviour of all public servants, including regular and civilian members of the RCMP.

The *PSDPA* also requires that all federal departments develop an organizational code of conduct that supports the *Values and Ethics Code for the Public Sector* while taking into account the unique requirements of their department. Although the RCMP already has its own Code of Conduct (under the *Regulations* of the *RCMP Act*), it only applies to regular and civilian members, and not other employees. The *RCMP Act* Code of Conduct continues to apply to members and the Organizational Code of Conduct was developed for all employees not subject to the *RCMP Act*, specifically Public Service employees, temporary civilian employees, and reservists. Remaining employee groups are to be guided by and respect the intentions of the new Organizational Code of Conduct. This includes volunteers, auxiliaries, and both municipal and provincial employees.

Developed during 2011-2012, the Organizational Code of Conduct was designed to complement the existing *RCMP Act* Code of Conduct, ensuring that all RCMP employees are held to similar expectations relative to behaviour. Employees who must adhere to the Organizational Code of Conduct are subject to a different discipline process than the one outlined in the *RCMP Act* for members.

Both the *Values and Ethics Code for the Public* Sector and the *RCMP Organizational Code of Conduct* came into effect on April 2, 2012.

(v) Adjudication Boards

Adjudication Boards are comprised of three RCMP commissioned officers. These officers must have the appropriate adjudicative training and not be in a real or perceived conflict of interest with respect to the subject member and matter. Additionally, at least one of the officers must be a graduate of a recognized law school.

(vi) Suspension of Members[5]

The *RCMP Act* allows for the suspension of a member who is suspected of, or has been found, to have contravened the *RCMP Act* Code of Conduct, or a federal or provincial law.

Suspension is not in itself a disciplinary sanction. Suspension with, or without pay, are preventative measures created to protect the integrity of the RCMP and its processes pending the outcome of the matter which gave rise to these measures. Suspension from duty is only ordered in cases where not doing so would seriously jeopardize the integrity

5 For additional information on matters relating to the RCMP suspension policy and suspension of members without pay and suspension of members with pay, see both Section 3.1 (iii)(1) and Section 3.3.

of the RCMP. Where suspension from duty is not warranted, the member may be assigned to other duties. Discipline occurs only once the allegation is substantiated and a sanction has been administered by an officer or member in charge of the subject member, or by an Adjudication Board.

(vii) Suspension of Pay and Allowances[6]

Stoppage of pay and allowances of a member who is suspended from duty can be ordered by the Commissioner, a Deputy Commissioner, or an Assistant Commissioner.

Stoppage of pay and allowances is an administrative process created to protect the integrity of the RCMP in cases where the allegations of misconduct are so outrageous that they require a greater response than suspension alone. It is only invoked when it would be inappropriate to pay a member pending the outcome of the disciplinary hearing.

(viii) Appeals of Adjudication Board Decisions and the External Review Process[7]

Appeals of Adjudication Board decisions can be made to the Commissioner within the 14-day limitation period set out in the *RCMP Act*. Before the Commissioner rules on an appeal, the matter is referred to the RCMP External Review Committee, an independent statutory body. A subject member may make an appeal on any ground with respect to the Adjudication Board's finding(s) of fact or on the sanction imposed. Similarly, an appropriate officer may make an appeal on any ground with respect to the Adjudication Board's finding(s) of fact. In very limited circumstances, the appropriate officer may also make an appeal on the sanction imposed. If the Adjudication Board imposes a sanction that is not provided for under the *RCMP Act*, the appropriate officer may launch an appeal of the sanction. However, if the sanction imposed is one that is listed under the Act, such as forfeiture of pay, there is no right of appeal.

The RCMP External Review Committee provides findings and recommendations to the Commissioner about whether the Commissioner should uphold or deny the appeal of the Adjudication Board's decision. The Commissioner is not required to agree with the RCMP External Review Committee, however, where the Commissioner disagrees, reasons must be provided.

The Commissioner's decision on a formal disciplinary appeal is final and binding and is not subject to appeal or review by any court, except on a judicial review by the Federal Court of Canada.

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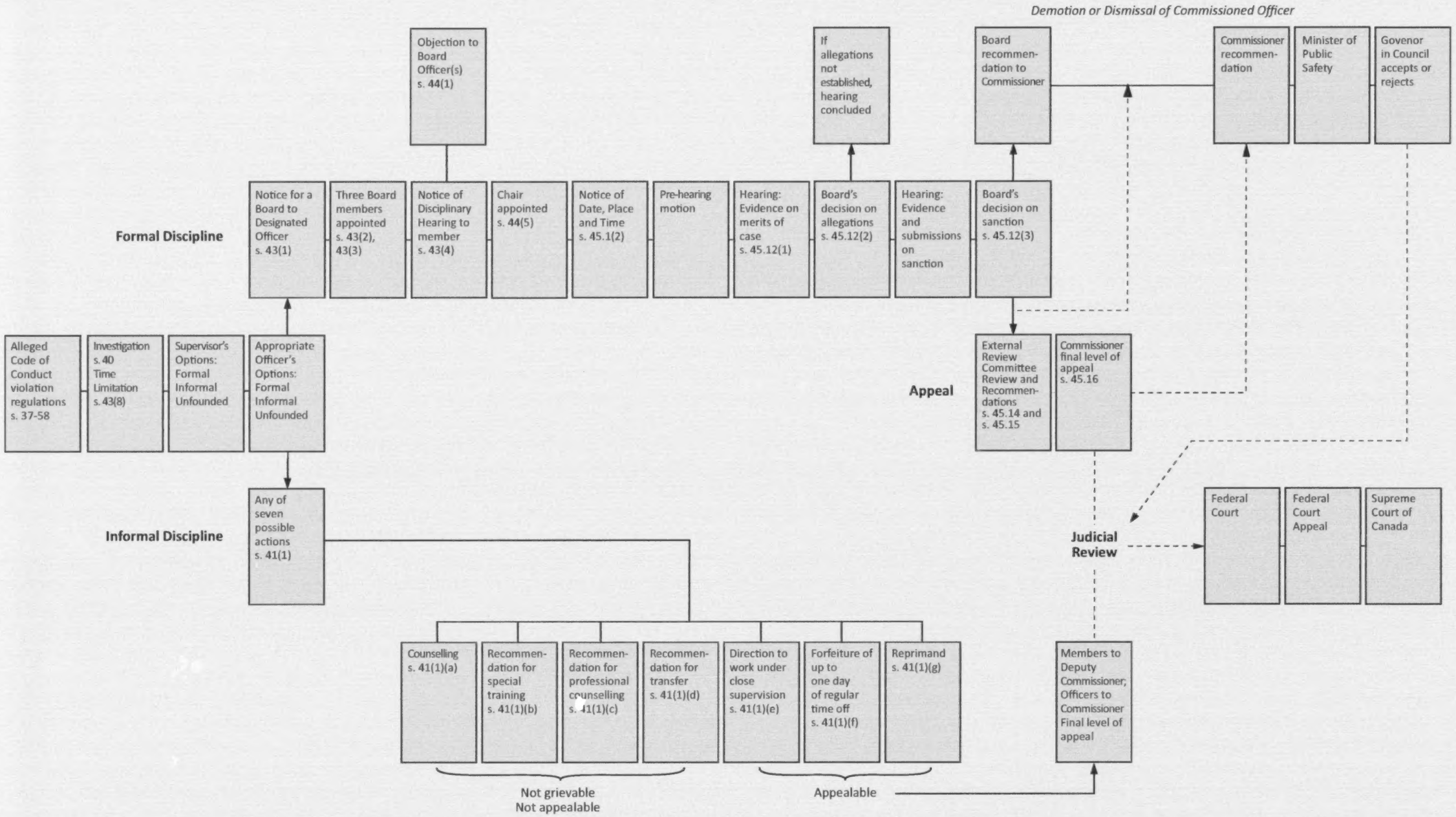
6 *Ibid.*

7 For additional information regarding appeals of Adjudication Board decisions see Appendix C.

Figure 1: Discipline Process under Part IV of the RCMP Act[8]


Demotion or Dismissal of Commissioned Officer
Formal Discipline
Alleged Code of Conduct violation regulations s. 37-58
Investigation s. 40 Time Limitation s. 43(8)
Supervisor's Options: Formal Informal Unfounded
Appropriate Officer's Options: Formal Informal Unfounded
Notice for a Board to Designated Officer s. 43(1)
Three Board members appointed s. 43(2), 43(3)
Notice of Disciplinary Hearing to member s. 43(4)
Objection to Board Officer(s) s. 44(1)
Chair appointed s. 44(5)
Notice of Date, Place and Time s. 45.1(2)
Pre-hearing motion
Hearing: Evidence on merits of case s. 45.12(1)
If allegations not established, hearing concluded
Board's decision on allegations s. 45.12(2)
Hearing: Evidence and submissions on sanction
Board's decision on sanction s. 45.12(3)
Board recommen-dation to Commissioner
Commissioner recommen-dation
Minister of Public Safety
Govenor in Council accepts or rejects
Appeal
External Review Committee Review and Recommen-dations s. 45.14 and s. 45.15
Commissioner final level of appeal s. 45.16
Informal Discipline
Any of seven possible actions s. 41(1)
Counselling s. 41(1)(a)
Recommen-dation for special training s. 41(1)(b)
Recommen-dation for professional counselling s. 41(1)(c)
Recommen-dation for transfer s. 41(1)(d)
Direction to work under close supervision s. 41(1)(e)
Forfeiture of up to one day of regular time off s. 41(1)(f)
Reprimand s. 41(1)(g)
Not grievable
Not appealable
Appealable
Judicial Review
Members to Deputy Commissioner; Officers to Commissioner Final level of appeal
Federal Court
Federal Court Appeal
Supreme Court of Canada

8 See Appendix C for the detailed steps of the disciplinary process.

CHAPTER 2

2011-2012

Components of the Formal Disciplinary Regime

2.1 The Office of Professional Integrity

Public and internal trust is paramount to the organizational success of the RCMP. This requires that RCMP employees undertake and perform their duties and responsibilities with the highest level of integrity. This will engender ethically-based decisions in all areas of responsibility. The resulting level of confidence will enable the RCMP and its partners to deliver a level of service that is not only expected but deserved.

Trust is the foundation of the RCMP. Without public trust, the RCMP cannot successfully fulfill its mandate. Trust requires employees to perform their responsibilities with integrity and to make ethically-based decisions. The RCMP must be open and transparent in its interactions with the public.

Professional Integrity in a Policing Context

Professional integrity is the integrated collection of virtues that brings about the goals of a profession. In the policing context, maintaining professional integrity is one of the most significant contributors to successful and effective service delivery. Because of specific rights, privileges and authorities granted to those working in the policing realm, the public, government and partners must have the confidence and trust in policing organizations that professionalism prevails. Reporting directly to the Commissioner, the Office of Professional Integrity was created in 2010 as a comprehensive approach to address professional integrity through a conduct continuum by:

- ensuring the rights and privileges of the occupation are not exceeded;
- treating others in a fair and respectful manner;
- doing what is right even when nobody is looking;
- decision-making based on sound, values-based reasoning.

Led by the Professional Integrity Officer, its mission is to promote the high standards of ethics and integrity expected of the organization by employees and the public. This new structure operates to guide employee behaviour, mitigate employee misconduct, as well as support an ethical culture. Key programs within the Office of Professional Integrity include: Adjudicative Services Branch, Employee Management Relations Branch, Honours and Recognition, and the Values and Ethics Office.

Furthermore, the Professional Integrity Officer provides direction in the development of the framework of strategies, plans, policies and processes that govern the design and implementation of the RCMP's conduct regime.

Strong Ethics, Strong Organization

The goal of the Office of Professional Integrity is to ensure that ethical principles are an integral part of all aspects of the RCMP's service delivery to Canadians. This can be done by:

- working collaboratively with the Senior Executive Committee to strengthen our organizational conscience;

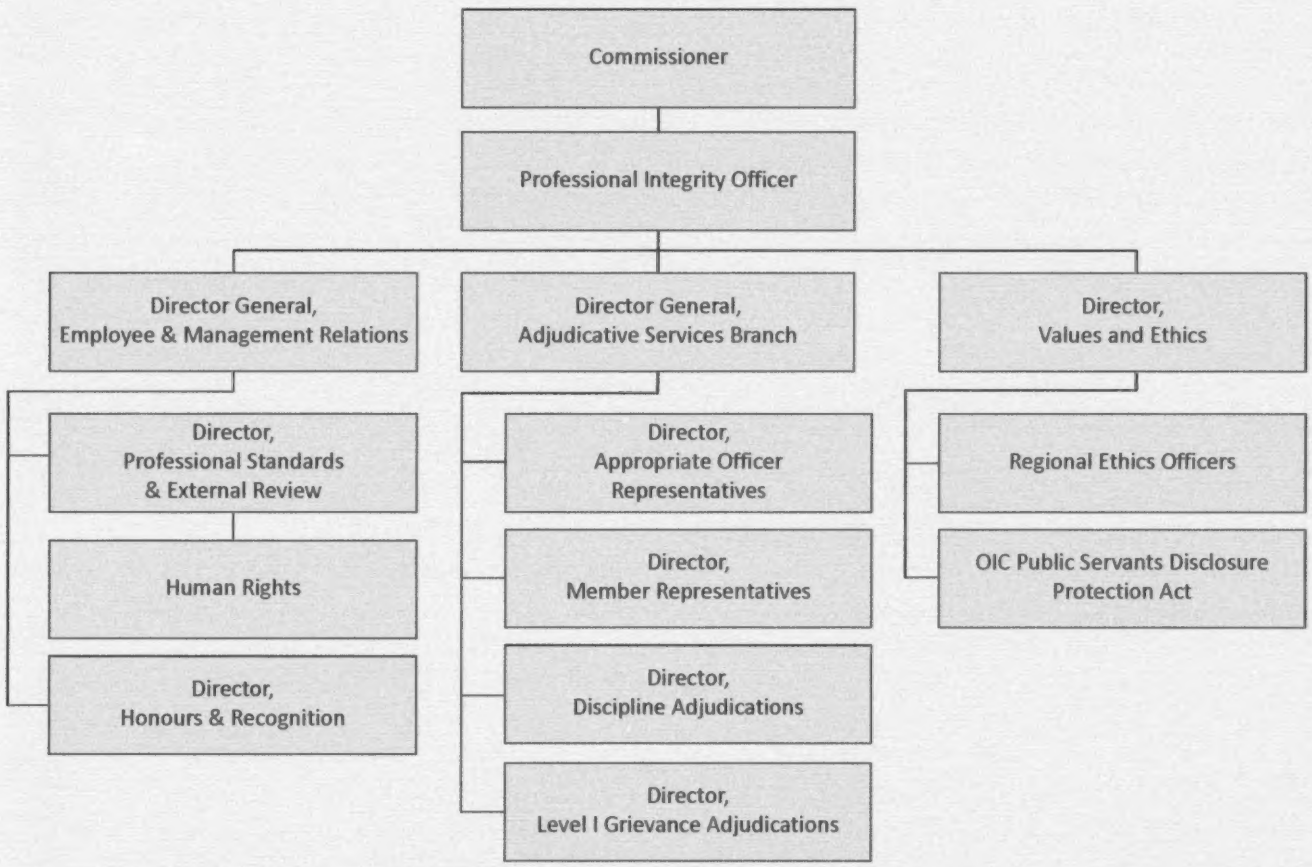
- providing unencumbered advice on matters that affect the organization and the public we serve;
- incorporating ethical decision-making in all our operational and administrative functions;
- ensuring a continuum of ethics education for all employees throughout their career;
- fostering an environment where ethical considerations are routinely embraced; and
- providing employees with the means to promote and sustain an ethical climate.

Mission: To enable a solid operating foundation of values and ethics to maintain and strengthen the trust of our communities and employees.

Vision: The RCMP is a trusted organization grounded in values and ethics.

Priorities: In line with the RCMP's goals, three key priorities have been established by the Office of Professional Integrity in order to advance its mission and promote an ethical workplace climate throughout the organization: Ethics in Practice; Ethics Education; and, the *PSDPA*.[9]

Figure 2: Office of Professional Integrity Organizational Chart



9 The Professional Integrity Officer is the RCMP's designated Senior Officer under the *Public Servants Disclosure Protection Act*.

2.2 Context

The *RCMP Act* Code of Conduct regulates the conduct of 19,610 regular members and 3,752 civilian members (totaling 23,362 members) operating from coast to coast to coast at all levels of policing. As of April 1, 2012, there were 29,507 permanent employees in the RCMP: 19,610 regular members holding peace officer status, 3,752 civilian members, and 6,145 Public Service employees.

Through agreements between the federal government and other bodies, the RCMP provides national, provincial/territorial, Aboriginal and municipal police services across Canada. The RCMP has also been dispatched by the Government of Canada to provide personnel in support of the United Nations or other international missions. In practice, the management and function of the disciplinary process is shared between various components of the organization. The following provides information on the mandate and function of these components.

2.3 Adjudicative Services Branch

The Adjudicative Services Branch was created in March 2008. The Branch is headed by a Director General and is composed of four directorates, three of which directly relate to the RCMP's disciplinary system.[10] The three directorates playing a significant role in formal discipline are the Discipline Adjudications Directorate, the Appropriate Officer Representative Directorate, and the Member Representative Directorate.

In addition to its role as the central disciplinary authority for formal discipline, the Adjudicative Services Branch seeks to engage and support other key components of the disciplinary process, such as the Professional Standards and External Review Directorate in the Employee and Management Relations Branch, Commanding Officers in their role as appropriate officers, regional/divisional managers and units, and discipline reviewers.

Figure 3: Adjudicative Services Branch Organizational Chart

Commissioner
Professional Integrity Officer
Director General, Adjudicative Services Branch
Director, Appropriate Officer Representative Directorate
Director, Discipline Adjudications Directorate
Director, Member Representative Directorate
Director, Level I Grievance Adjudications Directorate

10 The Level I Grievance Adjudications Directorate is not directly related to the disciplinary system, but is part of the larger adjudicative role.

2.4 Branch Directorates

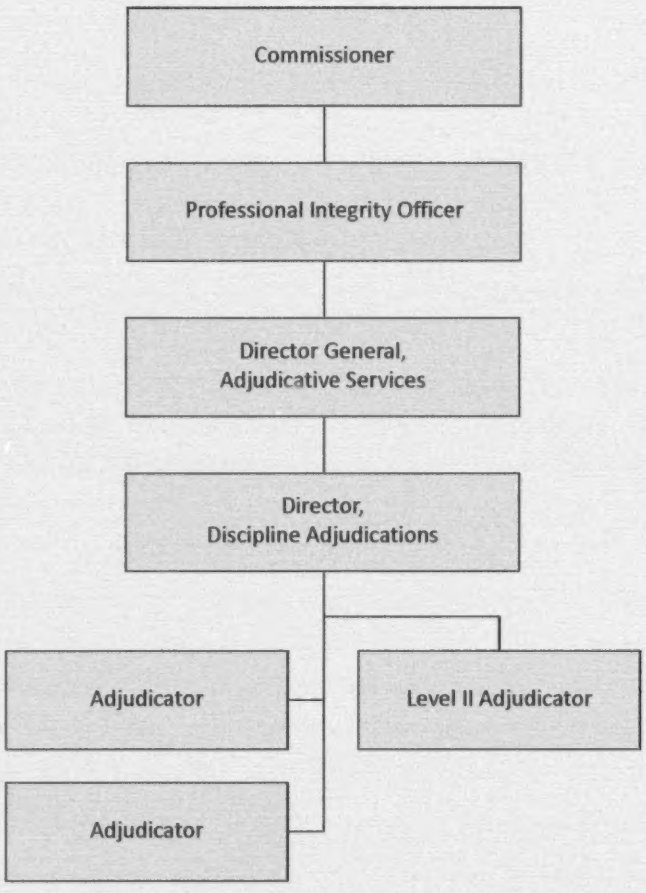
(i) Discipline Adjudications Directorate

The Discipline Adjudications Directorate administers disciplinary hearings under Part IV of the *RCMP Act* as well as discharge and demotion board hearings for unsuitability under Part V of the *RCMP Act*. The role of the Discipline Adjudications Directorate is vital in maintaining public trust and in the pursuit of the mission and strategic goals of the RCMP. The overarching responsibility of the discipline adjudicators is to ensure the integrity of the process over which they preside by providing fair and equitable treatment for the subject member. The Directorate also facilitates pre-hearing conferences, which are presided over by an independent adjudicator who is not a member of the Adjudication Board of the disciplinary hearing in question.

As part of its efforts towards the fair and equitable treatment of members, the Discipline Adjudications Directorate maintains an intranet site accessible to members and other employees of the RCMP. Along with hearing schedules and statistical data, the site publishes Adjudication Board decisions. This assists in maintaining transparency, accountability and confidence within the organization. Giving internal stakeholders access to decisions and other information allows, for instance, those facing disciplinary measures to consult previously decided cases. It also serves as a learning tool in dissuading conduct similar to that identified in decisions where Code of Conduct violations were established. Given the increased number of regional and divisional members involved in the administration of the disciplinary process, this intranet site has taken on added significance.

Besides conducting hearings, the Directorate serves an important administrative role in managing processes that keep the Force's formal disciplinary system functioning. For example, the Discipline Adjudications Directorate Registrars are responsible for scheduling hearings, booking hearing and meeting rooms, coordinating Adjudication Board appointments and issuing summonses and managing the database through which the Directorate tracks formal disciplinary statistics. Its writer/editor administers the process of editing and posting decisions to the intranet site, writes summaries of decisions and creates digests and indexes.

Figure 4: Discipline Adjudications Directorate Organizational Chart



(ii) Appropriate Officer Representative Directorate

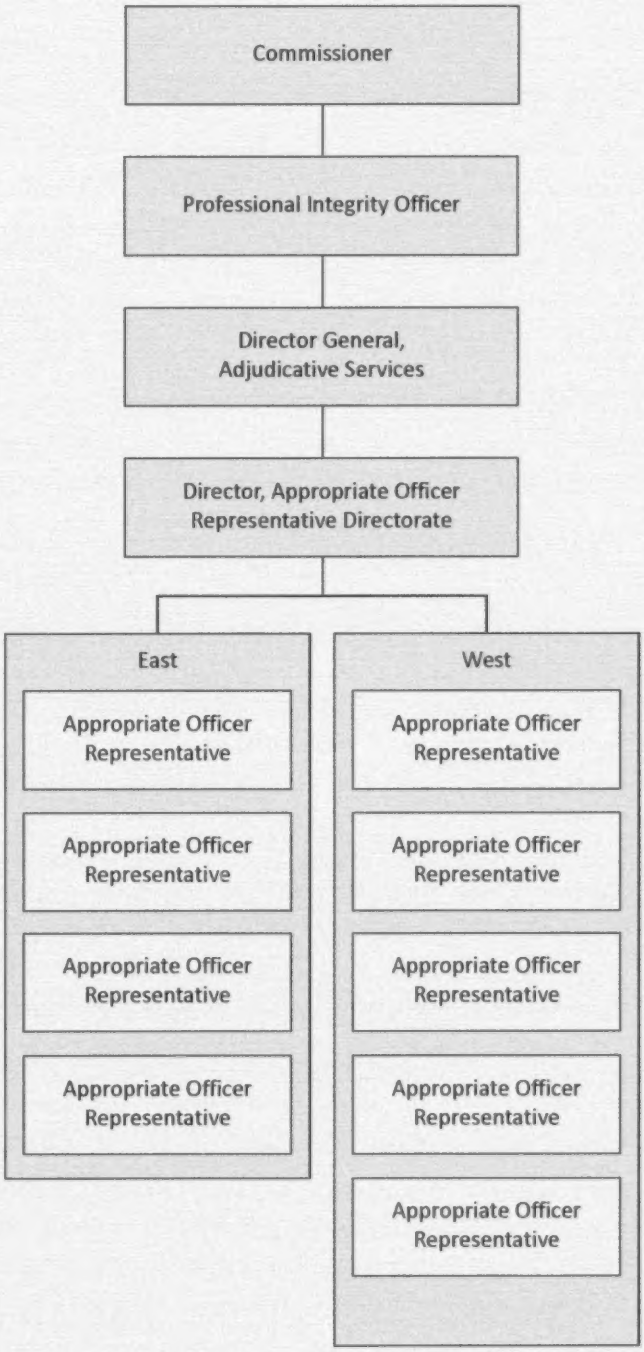
Appropriate officer representatives assist and represent appropriate officers (generally Commanding Officers of a division) who are parties to adjudication hearings under Part IV (Discipline) and Part V (Discharge and Demotion) of the *RCMP Act*. In carrying out their mandate, appropriate officer representatives provide research, analysis and representation services to appropriate officers.

Specific activities include:

- providing advice, policy analysis, opinions and interpretations to appropriate officers and senior regional and divisional management with respect to RCMP disciplinary and discharge/demotion proceedings, including appeals of such proceedings;
- representing appropriate officers in RCMP formal disciplinary hearings and discharge/demotion hearings;
- providing advice and opinions on the *RCMP Act* and Regulations, Commissioner's Standing Orders, and RCMP policies; and,
- preparing appeals from decisions of discipline boards and discharge and demotion boards.

An appropriate officer representative must review evidence and interview witnesses that will be presented to the Adjudication Board in contested formal disciplinary hearings in order to advance the case of the appropriate officer. The appropriate officer representative does not primarily seek to obtain a finding of a contravention of the *RCMP Act* Code of Conduct. Rather, the appropriate officer representative fairly presents the appropriate officer's case for the Adjudication Board's consideration. In proceedings that may be settled to the satisfaction of the appropriate officer, the appropriate officer representative and member representative will attempt to resolve any outstanding issues.

Figure 5: Appropriate Officer Representative Directorate Organizational Chart



(iii) Member Representative Directorate

The Member Representative Directorate is an entity within Adjudicative Services Branch which has legally trained RCMP members, known as member representatives, to provide representation and assistance in accordance with the *RCMP Act* and the *Commissioner's Standing Orders (Representation)* to any member who:

- is subject to formal disciplinary action under Part IV of the *RCMP Act*;
- is subject to discharge and demotion proceedings under Part V of the *RCMP Act*; or
- is presenting a grievance relating to their administrative discharge for grounds specified in paragraph 19(a), (f) or (i) of the *Royal Canadian Mounted Police Regulations*, 1988.

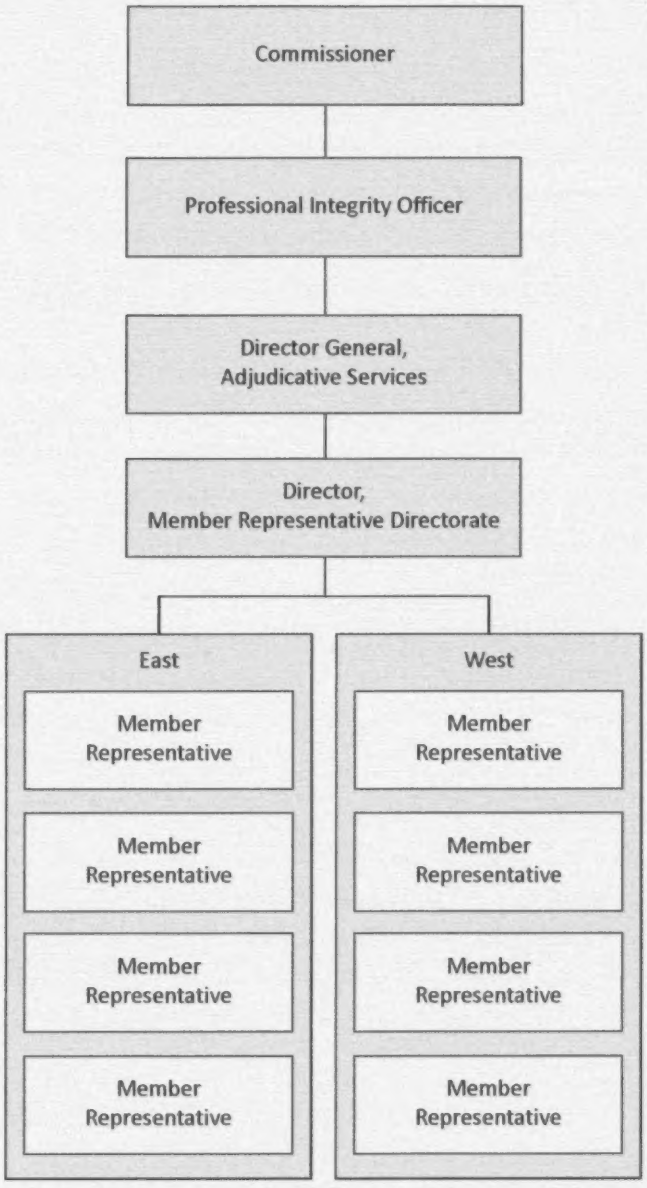
In 2011-2012, the mandate for member representatives also included supporting members who were:

- subject to suspension from duty without pay under Section 12.1 of the *RCMP Act* and the *Royal Canadian Mounted Police Stoppage of Pay and Allowances Regulations*;
- subject to the process for temporary loss of pay under the *Commissioner's Standing Orders (Loss of Basic Requirements)*;
- subject to a security clearance revocation (only when representation and assistance is approved by the Director);
- subject to a Code of Conduct investigation under Section 40 of the *RCMP Act* in relation to a serious allegation that could result in formal discipline (only when representation and assistance is approved by the Director);
- appealing informal disciplinary action under Section 42 of the *RCMP Act* (only when representation and assistance is approved by the Director); or
- parties to a hearing before the Commission for Public Complaints Against the RCMP under Section 45.45 of the *RCMP Act*.

Consistent with the *Representatives' Code of Ethics*, member representatives must maintain the confidentiality of information provided by the members they assist, obtain necessary information from them and from other sources in order to fully assess their situation, provide preliminary and ongoing professional advice and, where applicable, communicate and discuss with the appropriate officer representative ways to resolve issues relating to a given file.

In the case of formal disciplinary hearings, the member representative will represent the subject member before the Adjudication Board. The member representative will complete legal research, review evidence and interview witnesses that will be presented to the Adjudication Board in order to advance the subject member's position. In some instances, an expert must be retained to obtain relevant evidence to be presented to the Adjudication Board. During a proceeding, the member representative will discourage the subject member from presenting frivolous or vexatious motions and objections. When the case can be settled to the satisfaction of the subject member, the member representative will encourage the member to do so.

Figure 6: Member Representative Directorate Organizational Chart



2.5 Professional Standards and External Review Directorate

Operating within the Employee and Management Relations Branch under the Office of Professional Integrity, the Professional Standards and External Review Directorate is the national policy centre for grievances, discipline, Code of Conduct investigations, public complaints, suspension (with or without pay), conflict of interest (including outside activities/secondary employment and reporting of assets), and legal assistance at public expense to RCMP employees. In addition, the Directorate advises and assists the Commissioner with respect to public complaints, grievances adjudicated by the Commissioner, and appeals of decisions reached by RCMP Adjudication Boards in discipline and demotion/discharge matters. The Directorate is not part of the Adjudicative Services Branch and reports to the Director General of the Employee and Management Relations Branch, however, both components fall under the Office of Professional Integrity. The Professional Standards and External Review Directorate consist of four units, all of which have roles related to the RCMP's disciplinary system: the Professional Standards Unit, the Special Advisory Unit, the External Review Unit, and the Public Complaints Unit.

Within the Directorate, the Professional Standards Unit oversees policies including grievances and discipline. The Unit is mandated to develop policies and monitor their application and implementation to ensure RCMP members receive fair treatment and maintain the high standards of conduct the public expects.

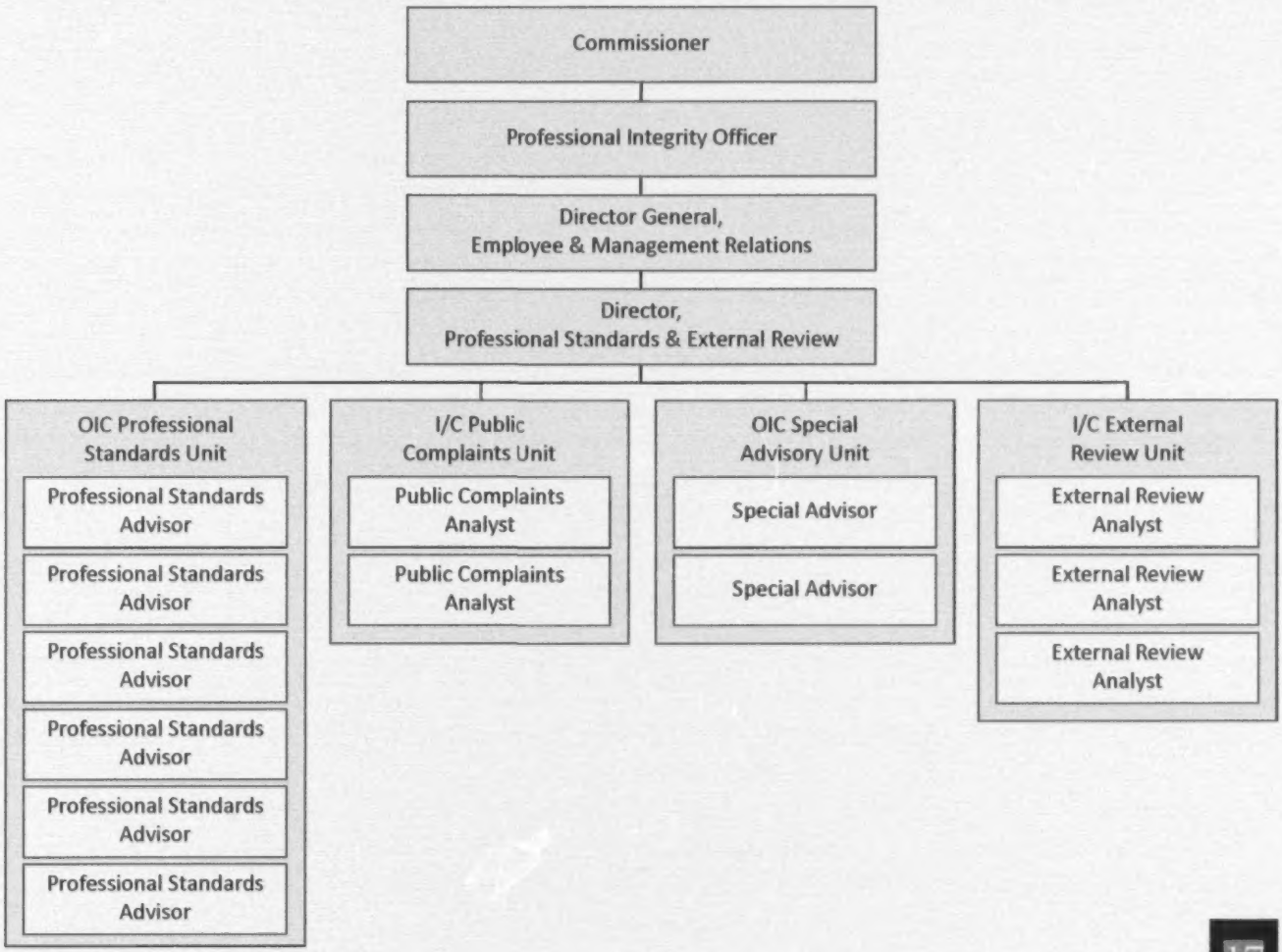
The Special Advisory Unit provides advice and assistance to decision-makers in relation to recommendations for stoppage of pay and allowances, informal disciplinary appeals, and appeals of discharge for unsuitability by probationary members. The Unit is also responsible for providing policy

advice to stakeholders in divisions and regions on processes such as discipline, suspensions, administrative discharges and internal investigations. The member in charge of the Special Advisory Unit acts as the Registrar for appeals of informal discipline. He or she is also the coordinator for RCMP input into any proposed amendments to the Commissioner's Standing Orders and policies.

The External Review Unit provides advice to the Commissioner in relation to his or her adjudicative function in disciplinary appeals, discharge and demotion appeals, Level II grievances (the final level of grievance adjudication in the RCMP), and certain administrative discharges. The Unit provides the Commissioner's instructions to the Department of Justice in its representation of the RCMP in judicial review applications of discipline decisions before the Federal Court.

The Public Complaints Unit is tasked with providing integrated management of all aspects of public complaints pursuant to Part VII of the *RCMP Act*. The public complaints process is a separate process under the *RCMP Act*. The Public complaints process is legislatively distinct from the disciplinary process; however, a public complaint may result in a separate Code of Conduct investigation, and potentially, the imposition of discipline.

Figure 7: Professional Standards and External Review Directorate Organizational Chart



2.6 Regional/Divisional Role

(i) Professional Standards Units

Professional Standards Units are in place across the country and operate at the regional/divisional level as part of the human resource function of the RCMP. These units remain a decentralized component within the disciplinary system. Since the units report through the regional/divisional hierarchy, policy from Professional Standards and External Review is the primary means of ensuring consistency in their operations. Regional/divisional Professional Standards Units are integral to the RCMP discipline regime as they operate as a support team, providing investigative services for both internal complaints of employee misconduct and public complaints, as well as ensuring consistency, quality and timeliness of investigations.

Generally speaking, Professional Standards Units serve two functions. The first is the management of policy for all matters with respect to public complaints and Code of Conduct investigations for their respective regions/divisions. The second is the provision of investigative services for both internal and public complaints. Investigations may also be undertaken by a detachment commander, his or her designate, or any other designated person. Capacity, seriousness of the matter, skills, experience and other practical considerations are all factors in the decision as to which component of the organization investigates a Code of Conduct or public complaint matter. As set out in RCMP discipline policy,[11] a Code of Conduct investigation should not take more than six months to complete unless exceptional circumstances exist.

The Professional Standards Units in the regions/divisions play a vital role in providing advice and guidance to all employees, managers and members of the public on matters relating to internal investigations, discipline, harassment, human rights issues, and performance management. The availability of such advice in the regions/divisions is important in helping managers address conduct and performance issues, thereby meeting the objective of administering discipline at the most appropriate supervisory level.

(ii) Discipline Reviewers

Another important component of regional/divisional Professional Standards Units within the disciplinary system is the role of the discipline reviewers.[12] Discipline reviewers provide advice on alleged Code of Conduct contraventions including whether they are likely to be proven, possible disciplinary measures, and how matters might appropriately be resolved. Where decisions are made to recommend formal discipline, discipline reviewers will turn the matter over to an appropriate officer representative, but may provide assistance in preparing cases to be heard by the Adjudication Board.

The key role of discipline reviewers is to bring greater consistency to disciplinary matters and, as such, supervisors are encouraged to consult them on the use of informal discipline or the need to recommend formal discipline. RCMP policy stipulates supervisors must consult with discipline reviewers for incidents involving serious statutory offences where formal discipline is not being considered. Supervisors are also encouraged to consult discipline reviewers in cases where "there is no contravention of the *RCMP Act* Code of

11 *Royal Canadian Mounted Police Administration Manual* at XII.4.4.1.7 *Administrative Manual* (hereinafter *Admin. Manual*).

12 Across the RCMP, the terms "discipline reviewer", "discipline advisor" and "discipline NCO" are used interchangeably. For the sake of consistency, "discipline reviewer" is used here.

Conduct or there is a contravention of the *RCMP Act* Code of Conduct but it does not warrant disciplinary action."[13]

Discipline reviewers may assist in the preparation of allegations of misconduct, and also review, draft and process reports and correspondence on disciplinary matters, as well as documentation relating to suspensions. In addition, they are responsible for monitoring the quality and timeliness of Code of Conduct investigations. Within the RCMP, access to disciplinary records is carefully monitored and controlled. Discipline reviewers assist in ensuring access to such information is appropriate.

13 *Admin Manual*, at XII.6.F.2.D.2.

CHAPTER 3

2011-2012

The Disciplinary Regime in Practice 2011-2012

3.1 Formal Discipline

This chapter will commence with a brief overview of activities that occurred in the Adjudicative Services Branch in 2011-2012 in order to provide a better context for examining the data relating to the formal disciplinary process.

(i) Directorates Overview

(1) Discipline Adjudications Directorate

Resourcing posed a definite challenge in the Discipline Adjudications Directorate at the commencement of 2011-2012, as there were several discipline adjudicator vacancies and only one full-time adjudicator was available to chair hearings with another legally trained officer providing assistance as an adjudicator on a part-time basis. By the end of the reporting period, there were three full-time discipline adjudicators, and measures are being taken to fill a fourth adjudicator position to provide more capacity in terms of both caseload and delivery of hearings in both official languages.

(2) Appropriate Officer Representative Directorate

The Appropriate Officer Directorate also experienced significant service delivery challenges in 2011-2012 due to resourcing, however, as the reporting period came to a close, these challenges were being remedied through additional personnel to provide representative services. Despite these challenges, the Directorate was still active in resolving a high number of formal discipline cases.

During 2011-2012, it was intended that discipline reviewers would have a more active role in the formal disciplinary process to ensure more consistent advice to commanders and appropriate officers, and in particular, deal with suspensions with and without pay. However, this did not fully materialize, and it has been determined that appropriate officer representatives will continue to take the lead role in the preparation of suspension without pay applications. The Directorate has also been tasked with implementing a more responsive file tracking and management process to ensure timely handling of files.

(3) Member Representative Directorate

During the last fiscal year, member representatives worked on 176 files. In addition to formal discipline hearings, this work included 14 files relating to stoppage of pay applications, 6 files relating to administrative discharge proceedings and 4 files relating to medical discharge matters.

The Directorate continues to provide opportunities to legally trained members. Those who are selected serve within the Directorate for two or three years before returning to their regular duties. The Directorate benefits from the skills and enthusiasm brought into the program by these members. In addition, a pool of regular members with a background in this specialized area may eventually serve as discipline adjudicators.

Figure 8: Member Representative Directorate Incoming Files 2011-2012

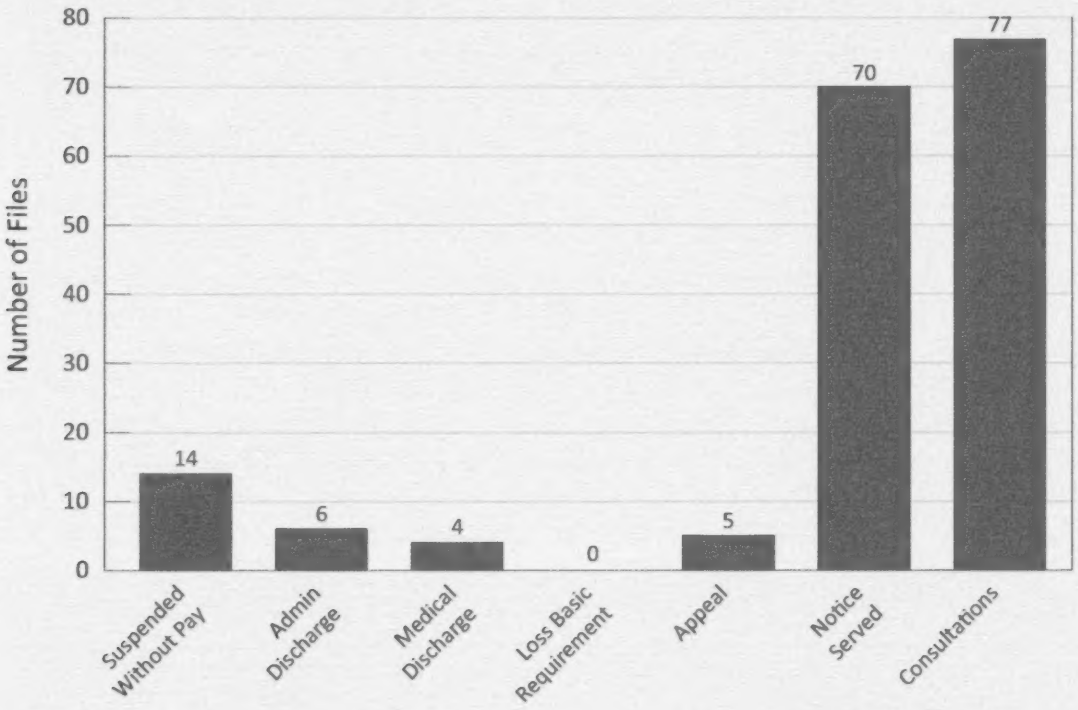
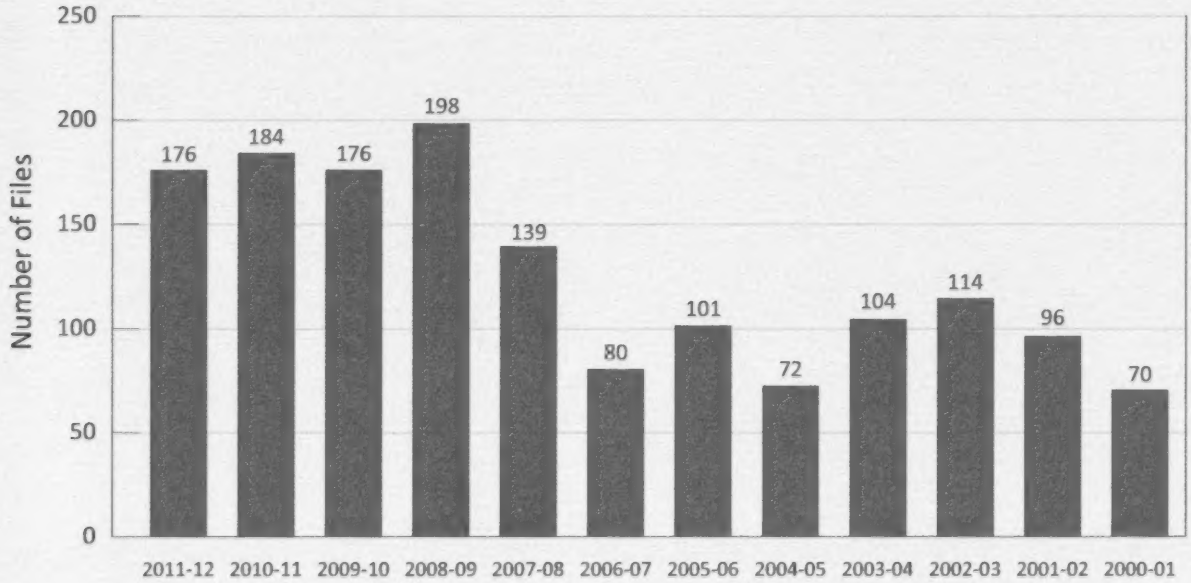


Figure 9: Member Representative Directorate Incoming Files 2000 to 2012



(ii) Branch Overview

(1) Centralization of Adjudicative Services Branch

Just as the reporting period was coming to an end, a decision was made to initiate the re-location of the remaining directors' positions to National Headquarters as part of the continued centralization of the Adjudicative Services Branch. This will facilitate the overall coordination and service delivery of the formal discipline regime nationally and will enhance communication and cooperation between the directorates.

Having offices of the Appropriate Officer Representative and the Member Representative Directorates situated across the country results in budgetary, accountability and resourcing pressures. A review is underway to evaluate the benefits of consolidating these offices into two centres in Vancouver and Ottawa, or some other combination depending on the results of consultation and, potentially, legislative reform.

At the commencement of the reporting period, there was an attempt to transfer the responsibility for preparing suspension without pay applications to the discipline reviewers, however, a combination of factors, including resourcing, training, and experience, led to the decision to maintain that function with the appropriate officer representatives.

(2) Case Management System Pilot Project

The Case Management System Pilot Project was implemented during the first two quarters of 2011-2012 and it continued to produce intended results. Forty-four cases were adjudicated during this time frame versus only 13 cases in the same time period during 2010-2011.

By the end of the second quarter, however, two additional discipline adjudicators were in place which increased the full-time adjudicative complement to three. In addition, an experienced discipline adjudicator was also available on a part-time basis. There is also an intention to add a fourth full-time discipline adjudicator to try and improve timeliness and efficiency.

With three full-time adjudicators now sharing the caseload, a decision was made to phase out the Case Management System Pilot Project. The transition has been successful as the number of cases resolved has remained consistent.

(3) Early Resolution Process

The Adjudicative Services Branch continued to place emphasis on the Early Resolution Process. Where possible and appropriate, parties are being encouraged to settle formal discipline cases at the lowest level with the shortest delay. The Early Resolution Process allows for more timely resolution of formal disciplinary hearings where allegations are of a nature that would not reasonably result in an Adjudication Board considering dismissal from the Force as a sanction (normally because the appropriate officer has not sought dismissal). The underlying philosophy of the Early Resolution Process continues to be flexibility and the expeditious resolution of appropriate cases with a modern, problem-solving approach rather than through adversarial means.

In 2011-2012, there were 37 formal discipline cases that were resolved by way of the Early Resolution Process compared to 41 in 2010-2011.

Figure 10: Early Resolution Process: Concluded Formal Discipline Cases 2008-2009 to 2011-2012

Fiscal Year	Number of ERPs / Total Number of Discipline Cases Disposed of	Percentage
2008-2009	37 / 56	66.07
2009-2010	32 / 43	74.42
2010-2011	41 / 46	89.13
2011-2012	37 / 51	72.55
Total	**147 / 196**	**75.54**[14]

Over the past four years, 147 formal discipline cases have been disposed of using the Early Resolution Process. The total number of discipline cases concluded using the Early Resolution Process is represented in Figure 10. In fact, of the 51 formal discipline cases heard in 2011-2012, 37 were disposed of within the Early Resolution Process.

The trend of using the Early Resolution Process has steadily increased over the years, with the exception of the last reporting period when there was a marked increase in contested hearings. The Early Resolution Process continues to represent the primary means of disposing of the greatest percentage of cases.

(4) Maintenance and Monitoring of Records

Recently, within the Discipline Adjudications Directorate, the Adjudicative Services Branch has undertaken the creation of a new electronic database to replace two older databases. The new database will be more intuitive for data input and retrieval of reports. The discipline registrars will have access to the database to input and retrieve real-time information on discipline cases organization-wide. The database will have the capability to assist in identifying trends once sufficient historical data is entered, and will ultimately link with the discipline database created by the Professional Standards and External Review Policy Centre. Linking the appropriate officer representatives to the database will also be an important step to ensure improved file management and tracking.

(5) Training

Information sessions on values and ethics, including the *RCMP Act* Code of Conduct, were provided at all levels of the organization: the Cadet Training Program, Field Coaching Program, Manager Development Program, Supervisor Development Program and the Officer Orientation Development Course. Ten sessions were presented by the Adjudicative Services Branch, divisional Professional Standards Units, Employee Management Relations personnel and Staff Sergeant Majors to 195 managers attending the Manager Development Program.

In February and March 2012, two pilot Officer Orientation Development Courses were held in Ottawa and personnel from the Discipline Adjudications Directorate presented material on the *RCMP Act* Code of Conduct to 41 newly commissioned officers.

14 The percentage of cases concluded by way of the Early Resolution Process from 2008-2009 to 2011-2012 is 75.54 percent.

(6) Other Initiatives

The Adjudicative Services Branch continues to evaluate the disciplinary process in order to improve the timeliness of resolving cases and to increase the overall effectiveness of the management of the RCMP formal disciplinary regime. During the current reporting period, measures to enhance and expedite the formal disciplinary process and to help clear the inventory of formal discipline cases included:

- When there are no parallel proceedings (e.g., criminal charges pending in the courts) against the subject member, an Adjudication Board may take steps to pre-set hearing dates in order to bring a more timely resolution of the case;
- In an attempt to expedite the processing of uncontested discipline cases where there is an agreed statement of facts and there is a joint proposal on sanctions or range of sanctions, an Adjudication Board may consider proceeding by way of written submissions for some or all of the hearing, which is more cost-effective (as expenditures for travel or accommodations are not incurred);
- Increased emphasis on dealing with discipline at the lowest level possible, when appropriate, and continued emphasis on the Early Resolution Process;
- Reinforcement with the Commanding Officers to review their inventory of cases on an ongoing basis to determine whether any can be resolved without being contested;
- Developing training for Commanding Officers and other line officers who make decisions on informal and formal disciplinary matters to support them in fulfilling their roles and responsibilities;
- Use of legally trained members, on a part-time basis, to assist with the inventory of cases and to create potential future resources for the Adjudicative Services Branch; and,
- Staffing more positions and securing additional temporary funding to address the inventory of cases.

(7) Formal Discipline Activities

Figures 11 to 19 provide a more detailed overview of the Adjudicative Services Branch activities relating to formal discipline in 2011-2012.

During 2011-2012, 89 formal discipline cases were concluded compared to 73 in 2010-2011, a 22 percent increase in the number of discipline cases disposed of, which is quite significant given resourcing pressures throughout the year. Of the 89 concluded cases, a total of 51 formal discipline cases were adjudicated, compared to 46 in 2010-2011.[15] In the Digest of Cases table following, these 51 cases are reflected as 49 written decisions because in two cases, 47 and 49, the Adjudication Board rendered one decision for two separate notices of allegations.

Adjudication Boards heard 14 contested cases, nearly three times as many as in the previous year (five contested hearings in reporting period 2010-2011) and this included two cases where the hearings lasted more than six weeks. The Discipline Adjudications Directorate also resolved several historical cases that had been in the inventory for some time. There were 14 formal discipline cases withdrawn, and 24 were resolved by way of the member's resignation.

15 Refer to the 2010-2011 Annual Report on The Management of the RCMP Disciplinary Process at the following link: http://www.rcmp-grc.gc.ca/pubs/adj/ann-10-11/index-eng.htm

Figure 11: 2011-2012 Formal Discipline Cases Disposed Of

Formal Discipline Cases Disposed of		Discipline Cases Withdrawn	Discipline Cases Resolved by Way of Resignations	Number of Concluded Discipline Cases 2011-2012
Via Contested Hearing	Via Early Resolution Process			
14	37	14	24[16]	89
51				

Figure 12: 2011-2012 Monthly Discipline Caseload Activity

Month	Via Contested Hearing	Via Early Resolution Process	Allegations Withdrawn	Number of Cases by Way of Resignation	Total Cases Disposed of
APRIL 2011	2	2		3	7
MAY 2011	1	2	2	1	6
JUNE 2011	3	4	2		9
JULY 2011		2	1	1	4
AUGUST 2011		5	1	10	16
SEPTEMBER 2011		2			2
OCTOBER 2011	2	1	2	2	7
NOVEMBER 2011		2	1	1	4
DECEMBER 2011	2	5	1		8
JANUARY 2012		4		5	9
FEBRUARY 2012	2	2	2		6
MARCH 2012	2	6	2	1	11
TOTAL	14	37	14	24	89

16 Twenty-four formal discipline cases were concluded subsequent to 15 Civilian and Regular members resigning.

The following figure represents the monthly breakdown of the total number of cases disposed of as indicated.

Figure 13: 2011-2012 Formal Discipline Cases by Division

Division	Adjudicated Discipline Hearings	Dismissal	Total Pay Forfeitures (1 to 10 days pay)	Allegations Not Established	Reprimand Only
A	1	1			
B	1		5		
C	2		8		
D	3		10		
Depot					
E	18		123		
F	3		22		
G					
H	4		34		
HQ	3		23		
J					
K	8	1	55		
L	1		8		
M	2			2	
O	5		23	1	
V					
Total	51	2	311	3	0

Sanctioning a member by way of a reprimand only was not seen this reporting period. In 2010-2011, there were two reprimands only given as sanctions to two members. In 2009-2010, one member received only a reprimand. In 2008-2009, there were four reprimands given to three members, with one of those members receiving two reprimands. A total of 311 days of pay were forfeited by 49 members this reporting period. In 2010-2011, a total of 287 days of pay were forfeited by 46 members. In 2009-2010, a total of 280 days of pay were forfeited by 43 members. In 2008-2009, a total of 378 days of pay were forfeited by 56 members.

Figure 14: Formal Discipline - Average Days to Conclusion

Fiscal Year	Average Number of Days to the Conclusion of Formal Discipline Cases
2009-2010	369
2010-2011	332.9
2011-2012	384.65
Average	362.18

In reporting period 2010-2011, the average number of days to conclude discipline cases was 332.9. The increase in the average numbers of days for 2011-2012 reflects the fact that some Adjudication Board hearings were as long as six weeks, which is not normally the case.

Figure 15: Formal Discipline Caseload Activity Year-to-Year Comparison 2000 to 2012

Fiscal Year (FY)	Carried over from Previous FY	New Cases	Cases Disposed Of	Cases Withdrawn	Cases by Way of Resignations	Year-End Balance
2000-2001	21	61	23	6	10	43
2001-2002	43	78	39	8	7	67
2002-2003	67	87	54	8	17	75
2003-2004	75	96	49	17	6	99
2004-2005	99	106	63	15	23	104
2005-2006	104	81	70	18	20	77
2006-2007	77	99	47	14	12	103
2007-2008	103	83	52	24	13	97
2008-2009	97	69	56	12	13	85
2009-2010	85	89	43	16	13	102
2010-2011	102	100[17]	46	7	20[18]	129[19]
2011-2012	129	88	51	14	24[20]	128
12 Year Average	83.5	86.41	49.41	13.25	14.83	92.42
Variance	21/129	61/106	23/70	6/24	6/24	43/129

The Adjudicative Services Branch carried over the largest number of cases (129) than in any other year of the last 12, which is partly attributable to the number of new cases that came into the system in 2010-2011 (100). However, the 2011-2012 year-end balance, while the second highest (128) and well above the 12-year average of 92.42, is actually one case lower than it was for 2010-2011.

Another factor impacting the number of cases carried over was the reduced level of service experienced for several months due to resourcing pressures. This pressure has been mitigated by the addition of new resources in the adjudicative and representative ranks at the start of 2012-2013. Increased scrutiny, and the stated expectations of the new Commissioner may lead to an increase in both the number of formal discipline cases and suspensions but his support for resolving cases at the lowest appropriate level may also lead to increased informal discipline and a possible reduction in the number of formal cases.

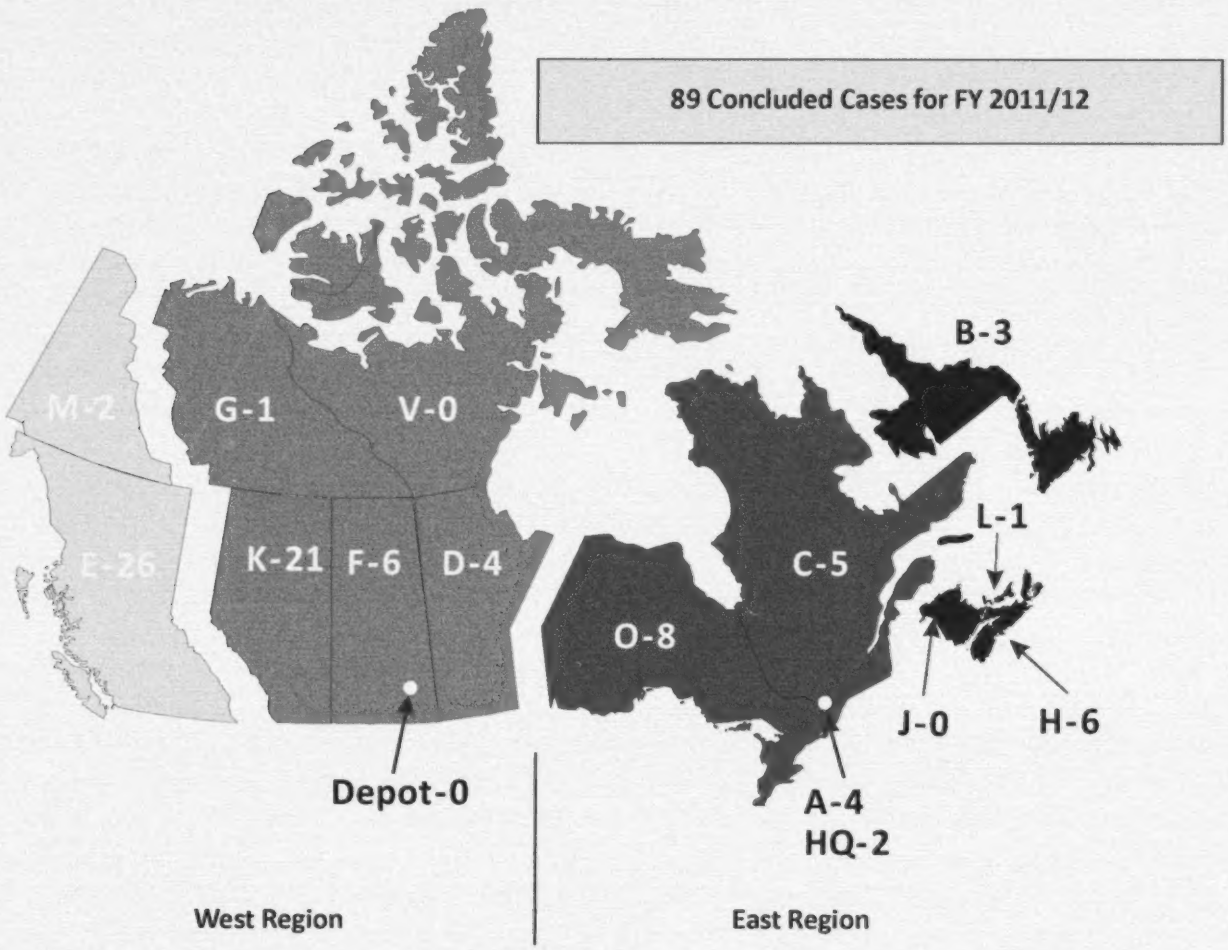
17 After a case review, the 2010-2011 "New Cases" should read "100" and not "66" as reported in last year's report.

18 Twenty cases were disposed of by way of 13 members resigning.

19 After a case review, the 2010-2011 "Year End Balance" should read "129" and not "123" as reported in last year's report.

20 Twenty-four cases were disposed of by way of 15 members resigning.

Figure 16: Concluded Disciplinary Cases by Division



This figure includes formal discipline cases adjudicated, cases withdrawn by the Appropriate Officer and cases disposed of by resignation.

Not surprisingly, given it has the largest number of members (7,097), "E" Division has the most concluded disciplinary cases (26). "K" Division with 3,087 members had 21 concluded cases.

Figure 17: Formal Discipline Statistics 1994 to 2012

Fiscal Year	New Boards	Cases Adjudicated	Cases Withdrawn	Member Resignations
1994/1995	76	36	18	15
1995/1996	55	59	15	10
1996/1997	50	24	14	13
1997/1998	57	31	14	14
1998/1999	44	27	7	14
1999/2000	34	30	7	10
2000/2001	61	23	6	10
2001/2002	78	39	8	7
2002/2003	87	54	8	17
2003/2004	96	49	17	6
2004/2005	106	63	15	23
2005/2006	81	70	18	20
2006/2007	99	47	14	12
2007/2008	83	52	24	13
2008/2009	69	56	12	13
2009/2010	89	43	16	13
2010/2011	100	46	7	13
2011/2012	88	51	14	15
Totals	1353	800	234	238
18 year average	75.1	44.4	13	13.2
Variance	34 to 106	23 to 70	6 to 24	6 to 23

Over the last three years, there has been a marked increase in the number of new boards compared to the 18-year average of 75.1, whereas the number of cases adjudicated has remained consistent within the historical average, thereby resulting in an increase in the number of carry-over cases.

Digest of Cases – Fiscal Year 2011-2012[21]

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
1	April 12, 2011 7 A.D. (4th) 252	Constable	H	Subsection 39(1) X3	Using RCMP badge and identification in an intimidating manner Intoxicated in a public place Uncooperative and confrontational with other members of the RCMP	Reprimand and forfeiture of 4 days' pay Reprimand and forfeiture of 3 days' pay Reprimand and forfeiture of 5 days' pay
2	April 12, 2011 7 A.D. (4th) 263	Constable	K	Subsection 39(1)	Criminal offence of mischief to property	Reprimand, forfeiture of 10 days' pay, recommendation for continued professional counseling and recommendation for transfer
3	May 5, 2011 7 A.D. (4th) 354	Constable	E	Subsection 39(1)	Driving a motor vehicle under the influence of alcohol/provincial offence of careless driving	Reprimand and forfeiture of 10 days' pay
4	April 12, 2011 7 A.D. (4th) 362	Sergeant	F	Subsection 39(1) X3	Intoxicated in a public place and abusive/ belligerent behaviour	Reprimand, forfeiture of 10 days' pay, recommendation for professional counseling and recommendation for a transfer
5	May 13, 2011 8 A.D. (4th) 1	Constable	H	Subsection 39(1) Section 38	Provincial offence of failure to report damage (motor vehicle accident) Failing to report provincial offence charges to supervisor	Reprimand and forfeiture of 10 days' pay
6	May 3, 2011 8 A.D. (4th) 10	Corporal	E	Subsection 39(1)	Criminal offence of assault causing bodily harm	Reprimand, forfeiture of 5 days' pay and recommendation for professional counseling

21 In the Digest of Cases following, these 51 cases are reflected as 49 written decisions. In two cases, 47 and 49, the Adjudication Board rendered one decision for two separate notices of allegations.

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
7	April 29, 2011 8 A.D. (4th) 23	Constable	H	Section 39	Driving a motor vehicle while under the influence of alcohol; using position as a RCMP member to attempt to gain a favour; behaviour causing private citizens to be uncomfortable in their home	Reprimand, forfeiture of 10 days' pay and recommendation for continued professional counseling
8	June 13, 2011 8 A.D. (4th) 139	Constable	M	Subsection 39(1)	Sexual assault	[Allegation dismissed]
9	June 13, 2011 8 A.D. (4th) 146	Constable	M	Subsection 39(1)	Sexual assault	[Allegation dismissed]
10	June 23, 2011 8 A.D. (4th) 285	Corporal	L	Subsection 39(1)	Criminal offence of assault	Reprimand, forfeiture of 8 days' pay and recommendation for continued professional counseling
11	June 9, 2011 8 A.D. (4th) 351	Constable	O	Subsection 39(1)	Driving a motor vehicle under the influence of alcohol	[Allegation not established]
12	June 29, 2011 9 A.D. (4th) 351	Sergeant	HQ	Subsection 39(1) X2	Inappropriate personal relationship with a subordinate Inappropriate advances toward a subordinate	Reprimand and forfeiture of 3 days' pay Reprimand and forfeiture of 5 days' pay
13	June 29, 2011 9 A.D. (4th) 360	Sergeant	K	Section 39	Criminal offence of impaired driving	Reprimand and forfeiture of 10 days' pay
14	June 29, 2011 9 A.D. (4th) 368	Sergeant	O	Subsection 39(1)	Deliberately deleting portions of a document causing a stay of proceedings in a major criminal case	Reprimand and forfeiture of 3 days' pay
15	July 21, 2011 9 A.D. (4th) 376	Constable	E	Subsection 39(1)	Criminal offence of assault	Reprimand and forfeiture of 2 days' pay

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
16	August 3, 2011 9 A.D. (4th) 384	Staff Sergeant	HQ	Subsection 39(1) X2	Improper use of RCMP resources (use of computer to access pornographic websites) Improper use of RCMP resources (use of computer to capture and send explicit images)	Reprimand and forfeiture of 10 days' pay
17	August 18, 2011 10 A.D. (4th) 51	Constable	E	Subsection 39(1) X2	Harassment Possession of a prohibited weapon with a lapsed registration	Reprimand and forfeiture of 6 days' pay Reprimand and forfeiture of 2 days' pay
18	July 21, 2011 10 A.D. (4th) 60	Staff Sergeant	E	Subsection 39(1)	False statement in a department security investigation	Reprimand and forfeiture of 5 days' pay
19	August 30, 2011 10 A.D. (4th) 67	Constable	E	Subsection 39(1) X2	Improper query on RCMP databanks Unjustifiably drawing firearm and verbalizing an intention to discharge firearm	Reprimand and forfeiture of 2 days' pay Reprimand and forfeiture of 4 days' pay
20	August 30, 2011 10 A.D. (4th) 75	Constable	K	Subsection 39(1) X2	Criminal offence of assault (excessive force) Excessive force	Reprimand, forfeiture of 5 days' pay, recommendation for continued counseling and recommendation for transfer Reprimand, forfeiture of 5 days' pay, recommendation for continued counseling and recommendation for transfer

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
21	August 30, 2011 10 A.D. (4th) 82	Constable	E	Subsection 39(1) X2	Intoxicated in a public place; verbal and physical altercation in a public place Attempting to influence responding RCMP member to withhold name from incident reports	Reprimand, forfeiture of 2 days' pay and recommendation for continued counseling Reprimand, forfeiture of 2 days' pay and recommendation for continued professional counseling
22	September 8, 2011 10 A.D. (4th) 90	Corporal	E	Subsection 39(1)	Intoxicated while on duty and driving under the influence of alcohol	Reprimand and forfeiture of 8 days' pay
23	September 22, 2011 10 A.D. (4th) 98	Constable	C	Subsection 39(1)	Criminal offence of assault	Reprimand and forfeiture of 3 days' pay
24	October 24, 2011 10 A.D. (4th) 106	Constable	K	Section 39 X2	Criminal offence of careless use of firearm Failing to report discharge of firearm to supervisor	Reprimand and forfeiture of 3 days' pay Reprimand and forfeiture of 2 days' pay
25	October 21, 2011 10 A.D. (4th) 114	Constable	D	Subsection 39(1)	Failing to take appropriate action following information provided by a member of the public	Reprimand and forfeiture of 4 days' pay
26	October 21, 2011 10 A.D. (4th) 131	Constable	D	Subsection 39(1)	Failing to take appropriate action following information provided by a member of the public	Reprimand and forfeiture of 4 days' pay
27	November 25, 2011 10 A.D. (4th) 178	Civilian Member	D	Subsection 39(1)	Improper use of RCMP resources (use of computer for personal reasons; unauthorized wireless connectivity)	Reprimand and forfeiture of 2 days' pay

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
28	November 20, 2011 10 A.D. (4th) 185	Constable	O	Subsection 39(1)	Theft (shoplifting)	Reprimand, forfeiture of 10 days' pay and recommendation for continued professional counseling
29	November 10, 2011 10 A.D. (4th) 193	Constable	HQ	Subsection 39(1)	Interfering in a civil suit	Reprimand and forfeiture of 5 days' pay
30	December 2, 2011 10 A.D. (4th) 201	Constable	E	Subsection 39(1)	Driving a motor vehicle under the influence of alcohol	Reprimand and forfeiture of 8 days' pay
31	December 2, 2011 10 A.D. (4th) 209	Constable	E	Subsection 39(1)	Driving a motor vehicle under the influence of alcohol	Reprimand and forfeiture of 10 days' pay
32	December 20, 2011 10 A.D. (4th) 217	Sergeant	C	Subsection 39(1)	Improper use of government credit card	Reprimand and forfeiture 5 days' pay
33	January 16, 2012 10 A.D. (4th) 230	Civilian Member	F	Subsection 39(1)	Improper disclosure of information	Reprimand and forfeiture of 2 days' pay
34	January 13, 2012 10 A.D. (4th) 237	Staff Sergeant	K	Section 39 X7	Provision and consumption of alcohol in the workplace; inappropriate sexual contact; improper use of RCMP resources for sexual encounters; a sexual encounter in a public place; inappropriate comments and touching of a subordinate; inappropriate and unprofessional contact with prospective employees; altering data on a prospective employee's security clearance form	Reprimand, forfeiture of 10 days' pay, demotion to the rank of Sergeant, recommendation for transfer and recommendation for continued professional counseling
35	December 6, 2011 10 A.D. (4th) 254	Constable	B	Paragraph 45(*b*)	False or misleading statement to a member superior in rank	Reprimand and forfeiture of 5 days' pay
36	January 26, 2012 10 A.D. (4th) 261	Corporal	H	Subsection 39(1)	Personal relationship with a witness	Reprimand and forfeiture of 2 days' pay

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
37	January 26, 2012 10 A.D. (4th) 269	Constable	O	Subsection 39(1)	Improper queries on RCMP databanks and improper disclosure of information	Reprimand and forfeiture of 7 days' pay
38	February 15, 2012 10 A.D. (4th) 278	Constable	E	Subsection 39(1)	Personal relationship with a person who became a coded human resource	Reprimand and forfeiture of 7 days' pay
39	February 15, 2012 10 A.D. (4th) 286	Sergeant	E	Subsection 39(1)	Driving a motor vehicle under the influence of alcohol	Reprimand and forfeiture of 8 days' pay
40	March 9, 2012 10 A.D. (4th) 294	Inspector	F	Subsection 39(1)	Criminal offence of impaired driving	Reprimand, forfeiture of 10 days' pay, recommendation for continued professional counseling and recommendation for a transfer
41	December 21, 2011 11 A.D. (4th) 1	Staff Sergeant	E	Subsection 39(1) X2	Criminal offence of assault (domestic) Criminal offence of careless use of firearm	Reprimand, demotion to the rank of Sergeant and recommendation for continued professional counseling
42	December 7, 2012 11 A.D. (4th) 31	Staff Sergeant	A	Subsection 39(1)	Theft (shoplifting)	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force
43	February 9, 2012 11 A.D. (4th) 270	Constable	E	Subsection 39(1)	Improper use of RCMP resources (repetitive use of resources for the furtherance of a sexual relationship)	Reprimand, forfeiture of 10 days' pay and recommendation for continued professional counseling
44	February 15, 2012 11 A.D. (4th) 248	Constable	O	Subsection 39(1)	Disproportionate and irrational reaction to a routine body search at an airport; use of status as a member of the RCMP in order to receive special treatment; escalating a tense situation	Reprimand and forfeiture of 3 days' pay

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
45	February 16, 2012 11 A.D. (4th) 327	Staff Sergeant	E	Subsection 39(1)	Improper use of RCMP resources (repetitive use of resources for the furtherance of a sexual relationship)	Reprimand, forfeiture of 7 days' pay and recommendation for continued counseling
46	March 9, 2012 11 A.D. (4th) 239	Constable	K	Subsection 39(1) X2	Criminal offence of assault (domestic) Uttering threats (domestic)	Reprimand, forfeiture of 10 days' pay and recommendation for continued professional counseling
47	March 15, 2012 12 A.D. (4th) 1	Constable	K	Section 39 X3 Section 47	Failing to conduct a thorough investigation and lack of proper file documentation; failing to properly secure exhibits; failing to assist a superior investigating officer by knowingly failing to advise the location of improperly stored exhibits Knowingly neglecting or giving insufficient attention to a duty	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force
48	March 26, 2012 11 A.D. (4th) 231	Corporal	E	Subsection 39(1)	Inappropriate comments of a sexual and offensive nature to a subordinate	Reprimand and forfeiture of 10 days' pay

	Date and Citation	Rank of Member	Div	Code of Conduct Allegation(s)	Description	Disposition
49	March 9, 2012 11 A.D. (4th) 407	Constable	E	Subsection 39(1) X4	Using status as a member of the RCMP to dishonestly obtain and use information Allowing unauthorized persons to conduct a "spark" test on a Conducted Energy Weapon; conducting a "spark" test on a Conducted Energy Weapon in close proximity to a personal acquaintance; improper disclosure of information	Reprimand and forfeiture of 5 days' pay Reprimand, forfeiture of 10 days' pay and recommendation to work under close supervision for a period of 2 months

Figure 18: Percentage of Members Who Have Received Formal Discipline Compared to the Total Established Number of Members on Strength for Fiscal Years 2002 to 2012

Fiscal Year / Total Number of Members[22]	Number of Members Who Have Received Formal Discipline[23]	Percentage of Members Who Have Received Formal Discipline Compared to the Total Established Number of Members on Strength for the Noted Fiscal Year
2002-2003 17,698	54	.30%
2003-2004 18,028	49	.27%
2004-2005 18,445	63	.34%
2005-2006 18,744	70	.37%
2006-2007 19,238	47	.24%
2007-2008 20,165	52	.25%
2008-2009 20,948	56	.26%
2009-2010 22,016	43	.19%
2010-2011 23,016	46	.19%
2011-2012 23,362	49[24]	.20%

Despite the fact that the number of members has increased significantly (5,664 since 2002) the percentage of members who have received formal discipline has decreased over the last three years and is below the 10-year average of .26 percent.

While any finding of misconduct is not satisfactory from an organizational and public perspective, in terms of serious acts of misbehaviour requiring formal discipline, Figure 18 reveals that as a percentage of the total number of members, the rate of formal discipline is less than half a percent, and for 2011-2012, was .20 percent.

22 This column identifies the total number of members on strength as of April 1st on the start of the noted fiscal year.
23 This column is the number of members who have received formal discipline by appearing before an Adjudication Board by fiscal year.
24 Forty-nine members received formal discipline during 2011-2012, however, two of these members had two cases each.

Figure 19: Allegations of Member Misconduct Which Proceeded to Formal Discipline April 1, 2008 to March 31, 2012

Category	2011/2012	2010/2011	2009/2010	2008/2009	TOTAL over 4 years	Percentage of total allegations which proceeded to formal discipline over the last 4 years
Altering files / Delete or alter data	2	0	0	1	3	1.11
Assault /Excessive force	8	8	7	9	32	11.89
Duty - Absent from without authority	0	0	1	1	2	0.74
Duty - Fail to perform, insufficient attention to duty	5	3	0	3	11	4.08
False claims (overtime, expenses, medical certificates)	0	3	0	0	3	1.11
False statement / Fail to report violation to supervisor, obey lawful order	5	1	7	4	17	6.31
Firearms safety violations	3	3	2	4	12	4.46
Harassment	1	0	0	3	4	1.48
Impaired driving (alcohol)	9	7	8	6	30	11.15
Improper conduct	11	6	10	8	35	13.01
Improper disclosure of information	1	0	0	5	6	2.23
Improper use of government credit card	0	4	1	4	9	3.34
Improper use of police officer status / Abuse of authority	5	1	2	3	11	4.08
Improper use of RCMP resources	2	0	4	1	7	2.6
Improper use of RCMP equipment	7	11	4	10	32	11.89
Inappropriate comments / touching in the workplace	3	3	3	2	11	4.08
Inappropriate relationship - public	2	0	0	0	2	0.74
Inappropriate relationship - workplace	2	0	0	0	2	0.74
Intoxication - public place	4	0	1	0	5	1.85
Mischief	1	0	1	0	2	0.74
Provincial Offence	1	0	3	0	4	1.48
Report to duty intoxicated	0	1	1	0	2	0.74
Sexual misconduct in the workplace	0	1	1	1	3	1.11
Theft	2	1	1	0	4	1.48
Utter threats	1	0	3	2	6	2.23
Other criminal charges , Federal Acts, Regulations	0	6	2	6	14	5.2
TOTAL	75	59	62	73	269	

Over the last four years, the most common types of misconduct committed by members are: improper conduct (13.01 percent)[25], improper use of RCMP equipment and assault/excessive use of force (both at 11.89 percent), impaired driving (11.15 percent) and making false statements/failing to report violation to supervisor (6.31 percent).

Overall, as evidenced by previous figures, the Adjudicative Services Branch personnel managed to deal with a number of cases despite resourcing pressures and increased numbers of cases, but clearly, more work needs to be done in terms of timeliness.

(iii) Professional Standards and External Review Directorate

(1) Review of Suspension Policy

The Directorate reviewed the suspension policy in three key areas: first, the officer who has the authority to suspend a member from duty will have to review the circumstances justifying the suspension every 30 days; second, the criteria for the suspension from duty are to be clarified; and, finally the need to assign a member to more appropriate duties will be emphasized when a suspension is not ordered or is revoked where the nature of the alleged misconduct calls for the member to perform other duties. It is anticipated the proposed revised policy will be subject to review by various levels in the RCMP, perhaps as part of an anticipated legislative reform.

(2) Implementation of Reporting Policy for Serious Occurrences

The Directorate developed a working draft policy that provides a detailed process to ensure the conduct of RCMP members involved in serious incidents is consistently assessed by the chain of command. This was in response to the Senior Deputy Commissioner's directive issued in October 2010 requiring mandatory notification of the Professional Integrity Officer whenever: (1) there is a serious injury of an individual that involves an RCMP member, or where it appears a member may have contravened a provision of the *Criminal Code* or other federal statute and the matter is of a serious or sensitive nature; (2) the incident may attract media attention; or, (3) the incident may generate questions in Parliament. The directive also mandated better articulation of decisions concerning whether a Code of Conduct investigation is warranted.

The proposed policy requires that for such incidents, a decision must be made regarding whether a Code of Conduct investigation will be ordered and, if such an investigation is not ordered, the rationale for not doing so must be documented. The policy is in its final draft stage and is ready to be reviewed by the policy committees. There is a move towards examining the capability of tracking these occurrences on the National Code of Conduct Database.

(3) National Code of Conduct Database

The National Code of Conduct Database became operational in the Professional Standards and External Review Directorate at National RCMP Headquarters in Ottawa in February 2012. It is designed to track and analyze all Code of Conduct matters in the RCMP. Code of Conduct matters are defined under Part IV of the *RCMP Act*.

25 Improper conduct includes any misconduct that is not reflected in the other categories in Figure 19.

The main goals in creating this database were to develop a system that would facilitate the accurate record keeping of Code of Conduct allegations, would provide baseline data to enable RCMP executives to produce timely reports and would allow them to monitor trends, patterns and changes in the discipline process. In addition, this database will enable RCMP executives to maintain an ongoing picture of the 'real-time' discipline process, enabling them to quickly evaluate whether or not any changes are occurring and to act accordingly.

The database is designed to capture information on members alleged to have breached the *RCMP Act* Code of Conduct and the details of the allegation(s) itself. The system records the steps from investigation through to a member being sanctioned or being absolved of wrongdoing.

All divisions are required to provide the information that is to be uploaded to the database which is accessible by both the Professional Standards and External Review and the Adjudicative Services Branch.

At the present time, the data entry duties are shared by four employees. On May 29, 2012, there were 131 entries in the National Code of Conduct Database dating back to January 1, 2012. There is an intention to expand the database to include tracking and monitoring for the Discipline Adjudications Directorate and the Appropriate Officer Representative Directorate.

(4) Discipline Appeals

In 2011-2012, the Commissioner rendered two decisions following receipt of External Review Committee written recommendations.[26]

3.2 Informal Discipline[27]

According to data provided by the divisions, there were 210 instances of informal disciplinary action recorded during 2011-2012. The number of informal disciplinary actions has increased nationally since the last reporting period.

Three divisions "E", "J" and "O" have seen the most significant increases in informal discipline. After a year of significant increase in 2010-2011, informal discipline in "H" Division has decreased to a similar average as in the 2009-2010 reporting period.

Figure 20 illustrates informal disciplinary actions by division, during the past 12 years, as reported by the divisions.

The statistics found in Figure 20 are considered a low ratio of informal disciplinary actions relative to the size of the organization, as well as the number of interactions with the public in any given year.

26 Commissioner's decisions D-108 dated April 29, 2011; D-110 dated: February 16, 2012 are available through the RCMP External Review Committee website at: http://www.erc-cee.gc.ca/index-eng.aspx

27 Adjudicative Services Branch does not administer any part of the informal discipline process.

Figure 20: Informal Discipline by Divisions 2000 to 2012

Division	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	Total
A	6	3		2		1	2		1	2	3	**5**	**25**
B	1	2		1		1		1		3	6	**3**	**18**
C	9	8	5	15	10	11	14	7	7	4	5	**5**	**100**
D	3	9	19		3	18	7	20	16	10	10	**6**	**121**
E	60	80	90	58	40	34	100	112	90	125	49	**79**	**917**
F	9	10	15	10	4	10	13	11	19	37	12	**13**	**163**
G	2	3		3	2	3	2			0	1	**3**	**19**
H	2		2	3	1	10	9	10	21	17	43	**18**	**136**
HQ	13	20	22	4	5	14	11	25	11	7		**12**	**144**
J	11	5	8	11	7	23	22	25	14	7	6	**24**	**163**
K	31	42	69	27	30	17	26	26	22	25	15	**20**	**350**
L							2		1	0		**4**	**7**
M		2				3	2	1	4	0	3	**3**	**18**
O	2	24	3	11	6	11	14	12	15	10	1	**13**	**122**
T		8				3	1	5		2		**2**	**21**
V	1		1	3	1	8	1	1	10	5	3	**0**	**34**
Total	150	216	234	148	109	167	226	256	231	254	157	**210**	**2358**

3.3 Suspension of Members

As noted in Figure 21, there has been a steady increase in suspensions, both with and without pay, across the country, over the last three years.

On April 1, 2010, there were 52 members suspended: 49 members suspended with pay and allowances and 3 members suspended without pay and allowances.

On March 31, 2011, there were 57 members suspended: 52 members suspended with pay and allowances and 5 members suspended without pay and allowances. On March 31, 2012 there were 71 members suspended: 64 members suspended with pay and allowances and 7 members suspended without pay and allowances.

"E" Division has experienced a notable increase from 18 in 2010-2011 to 31 in 2011-2012 (58 percent).

Figure 21: Members Suspended from Duty With Pay and Without Pay and Allowances April 1, 2010 to March 31, 2012

DATE	A	HQ	C	O	E	M	G	K	F	D	V	J	L	H	B
April 1, 2010	1	1	6	3	12	2	2	10	6	1	1	3	0	2	2
March 31, 2011	1	1	6	2	18	0	0	18	3	1	0	2	0	3	2
March 31, 2012	1	2	5	4	31	0	0	17	1	4	1	0	2	2	1

3.4 Best Practices - Initiatives of Interest

(i) "E" Division Code of Conduct Study – Implementation of Recommendations

In response to a study conducted by the University of the Fraser Valley, the Pacific Region Human Resource Officer released a division-wide broadcast in October 2011, advising all line officers to forward the "E" Division Professional Standards Unit an executive report containing their proposed decision on the conduct matter with supporting rationale, including a proposed sanction if substantiated, for review prior to serving any documents on the subject member. The discipline reviewer in the Professional Standards Unit is to review the executive report and ensure the finding(s) and proposed sanction(s) are consistent with the rationale provided, and compare that to previous similar matters to ensure consistency.

As of October 2011, the Officer-in-Charge of the divisional Professional Standards Unit now provides information on all past discipline that has been administered to the subject member to the line officer when a new Code of Conduct allegation is initiated. This information is being shared with the appropriate officer representatives when determining whether or not a suspension with or without pay is warranted. Previously administered discipline is taken into account to ensure that member's past incidents of substantiated allegations are factored into the decision-making process when a suspension is being contemplated, and more importantly, if the RCMP will be seeking dismissal of the member at a formal hearing.

On March 13, 2012, the RCMP Deputy Criminal Operations Officer for British Columbia released a division-wide broadcast pertaining to oversight of statutory and Code of Conduct investigations. The broadcast directed that specific attention must be paid to incidents involving member misconduct that speaks to the integrity of the member and incidents of serious misconduct with aggravating circumstances (i.e., serious criminal offences). The Deputy Criminal Operations Officer further directed that these investigations were to be completed within seven calendar days. If it is not practical to complete within this time period detailed updates are required every seven days.

(ii) "E" Division – Performance Awareness Reporting Service

The RCMP in "E" Division researched, developed and is presently in the process of implementing its Performance Awareness Reporting Service division-wide. The Performance Awareness Reporting Service will utilize a software database management tool capable of identifying members (regular and civilian) involved in specific incidents, including Code of Conduct incidents or a combination of incidents, which could be indicators of trends and/or patterns and could potentially create a risk for the members and the organization.[28]

28 "E" Division will be the pilot program for the software called IAPro and Blue Team that will track and record the 'indicators' that trigger the thresholds that lead to an intervention with the subject member and his/her supervisors.

Timely recognition of these incidents will enable appropriate intervention strategies to be implemented in an effort to prevent further incidents or a combination of incidents from occurring and possibly negatively impacting a member's career or the reputation of the RCMP.

The Performance Awareness Reporting Service consists of:

(1) identifying indicators (or incidents) which are specific occurrences, such as a public complaint, Code of Conduct investigation and/or statutory misconduct;
(2) identifying thresholds which will trigger an alert and are a set number of indicators / incidents;
(3) an intervention strategy to identifying causal factors and to prevent further incidents from occurring.

"K", "G" and "M" Divisions have implemented some processes that are similar to the Performance Awareness Reporting Service and have reduced risk to their members and to the RCMP.

(iii) "H" Division Early Intervention: Integrated Risk Management Program

The development of an Early Intervention: Integrated Risk Management Program was identified on the "H" Division 2011-2012 Balanced Score Card. The "H" Division program is currently in the process of being included in divisional policy. The "H" Division program is based on the "K" Division Early Warning: Integrated Risk Management Program.

The premise of the "H" Division program is that 'prevention is better than correction.' The program is seen as exercising due diligence by the RCMP in ensuring the welfare of the member and preventing further risk to the RCMP. The program is administered by "H" Division's Professional Standards Unit. The threshold for generating a notification pursuant to the Integrated Risk Management Program leading to an intervention is three incidents in a 12-month period. An incident is defined as any of the following: a public complaint (supported or not); a police motor vehicle collision (at fault or not); and/or a Code of Conduct investigation.

Within "H" Division Professional Standards Unit, the public complaints reviewer/analyst, the internal investigators, and the claims analyst all work in close proximity of one another where information is typically shared. The public complaint reviewer and the internal investigators share a computer drive and their occurrences are maintained on the RCMP occurrence database. This database allows searches to be made using a member's surname. The claims analyst maintains a log of police motor vehicle collisions that is shared with the public complaints reviewer.

"H" Division has been tracking members and incidents since January 1, 2012. As of March 31, 2012, no members have been identified who have been involved in three incidents. "H" Division is working on developing a separate database tracking system to enable them to easily identify members who are at risk.

(iv) The North West Region Discipline Centre

The main objective in creating the North West Region Discipline Centre was to provide a consistent and enhanced level of service delivery in relation to Code of Conduct and discipline matters within the North West Region. The Discipline Centre conducts the following functions: it provides guidance and advice to commanders; it prepares documents on all Code of Conduct and discipline matters; it monitors ongoing investigations to ensure compliance with time lines; it completes suspension with pay orders and assists with suspension without pay applications, and it ensures discipline is effectively tracked and monitored.

During the current reporting period, the Discipline Centre has successfully met many challenges, including immediately developing a consistent process that was quickly and easily implemented in the six divisions it serves in the North West Region: "D", "F", "K","V", and "G" Divisions and Depot Division. The Discipline Centre has achieved great success by standardizing the documentation on more than 250 discipline files processed since its inception in 2011.[29] In addition, personnel dealing with discipline matters have enhanced their subject-matter expertise in the field and have provided quality and consistent advice to commanders in the North West Region. By preparing all documentation and monitoring the discipline process, the Discipline Centre has enabled commanders to focus on management and leadership of front-line resources. This has resulted in improved service delivery to the communities they serve.

29 Upon its inception in 2011, the North West Region Discipline Centre not only opened new files, but it also received a number of existing discipline files from the 6 divisions it serves.

CHAPTER 4

2011-2012

Conclusion - The Way Forward

The efforts of the RCMP to overcome the issues identified throughout various reports and reviews of the current discipline regime have been consistently challenged by the legislative framework that has been in place since 1988, in particular as set out under Part IV of the *RCMP Act*. The current *RCMP Act* was built in the 1980s based on legal precepts and policy expectations that reflected the needs of the RCMP and public expectations at that time. What this has meant for the Force is that notwithstanding the time, effort and commitment to bringing changes to improve the discipline regime, Part IV of the *RCMP Act* imposes limitations on the scope and breadth of what can be substantively changed. In recognition of this fact, the RCMP, along with Public Safety Canada, has been working on proposed changes to human resource authorities and processes, in particular, relative to discipline. It is anticipated that legislative reform will enable the RCMP to embark upon fundamental change that will provide a more timely, relevant, and balanced process that protects the interests of all participants, and in particular will bolster public confidence.

Although working in a resource-constrained environment throughout 2011-2012 and having to deal with resource availability pressures, Adjudicative Services Branch was successful in resolving more cases than in the previous reporting period, including several historical formal discipline cases and two cases that required six weeks of hearings to come to a conclusion. Adjudicative Services Branch personnel worked extremely hard over the last year, and despite many challenges, were able to produce some very good results.

Adjudicative Services Branch successfully transitioned from operating with a national case manager under the Case Management System Pilot Project to having the individual discipline adjudicators manage the national caseload of formal discipline cases. The number of resolved formal discipline cases was maintained and remained consistent.

An up-to-date electronic database is currently being created within the Adjudicative Services Branch which will be accessed and kept current by the discipline registrar. It will reduce employee time and effort in accessing and maintaining existing discipline data. In addition, this system will provide real-time detailed reports, projections and up-to-date case history on all formal discipline matters.

The objective for 2012-2013 is to reduce the inventory of cases and to resolve as many cases as possible sooner. The Commissioner in addition to raising expectations on the organization in its handling of discipline, has equally provided support through resourcing, which is reflective of a balanced and considered approach to a complex area that has challenged the organization for many years.

APPENDICES

2011-2012

Appendix A: Ministerial Directive

Appendix B: Glossary of Terms

Appendix C: *RCMP Act* Part IV

Appendix D: RCMP Divisions and Divisional Headquarters

APPENDIX A

2011-2012

Ministerial Directive

MINISTERIAL DIRECTIVE ON THE RCMP DISCIPLINARY PROCESS

A. This Directive provides ministerial direction to the Commissioner of the Royal Canadian Mounted Police (RCMP) with respect to standardizing the application and enhancing the transparency of the disciplinary process set out in the *RCMP Act*.

Responsibilities and Accountabilities

B. As per subsection 5(1) of the *RCMP Act*, the control and management of the RCMP, and all matters connected therewith, is the responsibility of the Commissioner of the RCMP, under the direction of the Minister of Public Safety.

C. To promote compliance and accountability, the Commissioner will ensure that comprehensive records of all disciplinary files are maintained and that these files are monitored on an ongoing basis.

D. To enhance accountability, the Commissioner will ensure there is effective coordination and efficient administration of the RCMP disciplinary system.

DIRECTIVE MINISTÉRIELLE SUR LE PROCESSUS DISCIPLINAIRE DE LA GRC

A. La présente directive vise à fournir l'orientation ministérielle au commissaire de la Gendarmerie royale du Canada (GRC) en ce qui a trait à la normalisation et à l'amélioration de la transparence du processus disciplinaire défini dans la *Loi sur la Gendarmerie royale du Canada*.

Responsabilités

B. En vertu du paragraphe 5(1) de la *Loi sur la Gendarmerie royale du Canada*, le commissaire de la GRC, sous la direction du ministre de la Sécurité publique a pleine autorité sur la GRC et tout ce qui s'y rapporte.

C. Afin de favoriser la conformité et la responsabilisation, le commissaire doit veiller à ce que des dossiers complets de tous les cas disciplinaires soient tenus, et à ce que ces dossiers soient suivis de près.

D. Afin d'accroître la responsabilisation, le commissaire doit veiller à la coordination efficace et à l'administration efficiente du régime disciplinaire de la GRC.

E. The Commissioner will ensure that an annual report on the management of the disciplinary process is provided to the Minister. The report is to be in a format that is suitable for public release in its entirety. The release of the report is at the discretion of the Minister.

F. The Commissioner will ensure that nationally consistent policies and protocols are in place and updated when necessary to inform members of the requirements and procedures associated with the disciplinary process. The Commissioner will also ensure that regular training is provided to appropriate RCMP staff to promote awareness of and compliance with such requirements and procedures.

G. In addition to the annual report, as part of the accountability process, a designated representative of the Commissioner will, having given due regard to legal and operational considerations, inform the Minister in a timely manner of matters of a significant nature pertaining to the disciplinary process.

E. Le commissaire doit s'assurer qu'un rapport annuel sur la gestion du processus disciplinaire est présenté au ministre. Le rapport entier doit être présenté dans une forme convenable à la diffusion publique. La publication du rapport est à la discrétion du ministre.

F. Le commissaire doit s'assurer que des politiques et des protocoles conformes à l'échelle nationale sont en place, et mis à jour au besoin, pour informer les membres au sujet des exigences et des procédures liées au processus disciplinaire. Le commissaire doit également s'assurer que des membres compétents de la GRC reçoivent de la formation afin de faire connaître ces exigences et procédures et de favoriser le respect de celles-ci.

G. En plus du rapport annuel et dans le cadre du processus de responsabilisation, un représentant désigné du commissaire, ayant dûment tenu compte des considérations juridiques et opérationnelles, informera le ministre en temps opportun des problèmes de nature importante ayant trait au processus disciplinaire.

JAN 2 4 2008

Minister of Public Safety/Ministre de la Sécurité publique — Date

APPENDIX B

2011-2012

Glossary of Terms

Appropriate Officer – An officer designated by the Commissioner as the appropriate officer in respect of a member for the purposes of the *RCMP Act*. In practical terms, the appropriate officer is normally the commanding officer of a division of the RCMP.

Code of Conduct – The Regulations governing the conduct of RCMP members created by the Governor in Council pursuant to Section 38 of the *RCMP Act*.

Commissioner's Standing Order – A rule from the Commi g with administrative discharge of members, as well as for the organization, training, conduct, performance of duties, discipline, efficiency, administration or good government of the Force, and generally for carrying out the purposes and provisions of the *RCMP Act*.

Detachment – For the purposes of Sections 40 (Investigation) and 41 (Informal Disciplinary Action) of the *RCMP Act*, includes any organizational component within the Force commanded by a member, other than an officer, who reports directly to an officer.

Discipline Reviewers – Discipline reviewers review, analyze and process reports and correspondence related to disciplinary matters. They make recommendations on disciplinary actions, appeals and discharges.

Division – As part of its structure, the RCMP organizes itself into 15 divisions roughly equivalent geographically to Canada's 10 provinces, 3 territories, the National Capital Region and the RCMP's training academy, known as Depot, in Regina. Each division with the exception of Depot is assigned a letter name, e.g. the RCMP's "A" Division comprises the National Capital Region.

External Review Committee – An independent, arm's-length committee established under Section 25 of the *RCMP Act* to make recommendations on discipline, discharge and demotion matters and certain types of grievances brought before it. The External Review Committee reports once a year to the Minister of Public Safety in accordance with Section 30 of the *RCMP Act*.

Officer – A member appointed by the Governor in Council to the rank of inspector, superintendent, chief superintendent, assistant commissioner, deputy commissioner or commissioner. For the purposes of Section 41 of the *RCMP Act* (informal disciplinary action), officer includes those civilian members, special constables and special constable members who are classified at the senior management or executive level.

Pay Council – A council of five people established in May 1996 as an alternative to collective bargaining for resolving issues of pay, benefits and other working conditions. The council consists of an independent chairperson appointed by the Commissioner in consultation with, and with the approval of the Caucus of Staff Relations Representatives (SRRs); two management representatives appointed by the Commissioner; and two member representatives appointed by the SRR Caucus.

Regions – Beyond divisions, the RCMP is also organized into regions. There are two regions: West and East. Each is headed by one of the RCMP's deputy commissioners.

Service Court – The forerunners of today's Adjudication Boards. Service Courts were quasi-judicial proceedings presided over by a single commissioned officer who heard and determined formal disciplinary matters. Service Courts were adversarial in nature and generally used the same rules of evidence as criminal trials. They were discontinued as a result of revisions to the *RCMP Act* in 1988.

Staff Relations Program Officer – The officer appointed by the Commissioner to be responsible for the administration and management of the Staff Relations Representative Program established under Section 96 of the *Royal Canadian Mounted Police Regulations, (1988)* (*Sec. 1 of the Commissioner's Standing Orders (Representation)*).

Staff Relations Representatives (SRRs) – Members elected by the members within a particular division to represent them in dealings with RCMP management on issues impacting their welfare, dignity and operational effectiveness. SRRs also deal with issues of wider concern as members of divisional and regional caucuses and through their Regional National Executive Committee and National Executive. The program was established in 1974 to provide members of the RCMP with a formal system of representation.

Unit Commander – The commander of a unit. A unit is an organized body within the RCMP. Detachments, sections, branches, directorates, subdivisions and divisions are examples of units.

APPENDIX C

2011-2012

RCMP Act Part IV

The discipline system as set out in the *RCMP Act* aims to correct the behaviour of those few personnel whose actions fall below the standards set out in the *RCMP Act* Code of Conduct. The RCMP is accountable for the actions of all of its members. Please refer to *Figure 1: Discipline Process under Part IV of the RCMP Act* at the end of chapter 1.

Step 1: Alleged *RCMP Act* Code of Conduct Contravention

Where it appears to an officer or to a member in command of a detachment that a member of the RCMP under the command of the officer or member in command of a detachment has contravened the *RCMP Act* Code of Conduct, the officer or member in command of a detachment shall make or cause to be made such investigation as the officer or member in command of a detachment considers necessary to enable the officer or member in command of a detachment to determine whether that member of the RCMP has contravened or is contravening the *RCMP Act* Code of Conduct.

Step 2: Investigation s. 40 Time and Limitation Period s. 43 (8)

Sub-section 40 (1) of the *RCMP Act*, outlines the authority of an officer or member in command to initiate a Code of Conduct investigation.

No hearing may be initiated by an appropriate officer under this section in respect of an alleged contravention of the *RCMP Act* Code of Conduct by a member of the RCMP after the expiration of one year from the time the contravention and the identity of that member of the RCMP became known to the appropriate officer.

Step 3: Supervisor's Options: Informal / Formal / Unfounded

If the supervisor believes that the allegation against the RCMP member is unsubstantiated, the supervisor is to inform the member of the RCMP and the file is then concluded.

Step 4: Informal Discipline

Step 4(a): Informal Discipline s. 41.(1)

Once it is established to the satisfaction of the supervisor that a violation of the *RCMP Act* Code of Conduct has occurred, the supervisor can initiate the informal disciplinary process. This can only be done if he or she is of the opinion that, having regard to the gravity of the contravention and to the surrounding circumstances, the action is sufficient.

Informal disciplinary actions specify a corrective or remedial approach to an RCMP member's conduct. The particular actions that may be taken are:

(*a*) counseling;
(*b*) a recommendation for special training;
(*c*) a recommendation for professional counseling;
(*d*) a recommendation for a transfer;
(*e*) a direction to work under close supervision;
(*f*) subject to such conditions as the Commissioner may prescribe by rule, a forfeiture of regular time off for a period not exceeding one day; and/or
(*g*) a reprimand (it is to be noted that only a Commissioned Officer or an appropriate officer may impose a reprimand).

Step 4(b): Post-Disciplinary Action RCMP Administration Manual XII.6.F.4

After the commander takes informal disciplinary action he/she must submit a report to the appropriate officer for review. The report must include: 1) the investigator's report and material relevant to the RCMP member's alleged misconduct must be presented to the commander as a complete package in chronological order; 2) details of the *RCMP Act* Code of Conduct contravention and a copy of the disciplinary action, e.g. reprimand, if applicable; 3) confirmation whether the RCMP member was given the benefit of presenting a submission; and, 4) representations submitted by the RCMP member to the commander.

Step 4(c): Action by Appropriate Officer – Contravention of the *RCMP Act* Code of Conduct s. 41(5)

Where it is established to the satisfaction of an appropriate officer that a member of the RCMP has contravened the Code of Conduct, the appropriate officer may, if no action has been taken in respect of the contravention, take any one or more of the actions referred to in paragraphs (*a*) to (*g*) of step 4(a) above against the member of the RCMP who has contravened the *RCMP Act* Code of Conduct.

Step 4(d): Appropriate Officer May Rescind Informal Disciplinary Action s. 41(6)

Where it is not established to the satisfaction of an appropriate officer that a member against whom informal disciplinary action was taken that has not contravened the *RCMP Act* Code of Conduct, the appropriate officer may rescind that action.

Step 4(e): Appropriate Officer May Vary The Action s. 41(7)

Where it is established to the satisfaction of an appropriate officer that an RCMP member against whom informal disciplinary action was taken has contravened the *RCMP Act* Code of Conduct, but the appropriate officer is of the opinion that the action so taken was inappropriate in the circumstances, the appropriate officer may vary that action by taking any one or more of the actions referred to in paragraphs (*a*) to (*g*) of step 4(a) above, in addition to or in substitution for that action.

Step 4(f): Informal Disciplinary Action Timeline 1 Year

It is RCMP policy that informal disciplinary action under subsection 41(1) of the *RCMP Act* must be taken against RCMP members within a year from the time the alleged contravention and identity of the RCMP member became known to his or her supervisor.

Step 4(g): Informal Discipline - Not Grievable / Appealable s. 41(9)

Informal disciplinary actions: a, b, c and d are not grievable nor appealable.

Step 4(h): Informal Discipline – Appeal s. 42(1)

Any RCMP member against whom informal disciplinary action referred to in any of paragraphs 41(1)(*e*) to (*g*) is taken may appeal that action at each of the levels, up to and including the final level, in the appeal process provided.

Step 4(i): Final Level of Appeal s.42(4)

The Deputy Commissioner designated by the Commissioner for the purposes of this section constitutes the final level in the appeal process with respect to appeals taken by members of the RCMP, other than commissioned officers, from informal disciplinary actions referred to in paragraphs (*e*) and (*f*) above and the Deputy Commissioner's decision on any such appeal is final and binding and, except for judicial review under the *Federal Courts Act*, is not subject to appeal to or review by any court.

Step 4(j): Final Level of Appeal for Commissioned Officers s. 42(6)

The Commissioner constitutes the final level in the appeal process with respect to appeals taken by commissioned officers from informal disciplinary action referred to in any of paragraphs (*e*) to (*g*) above. The Commissioner's decision on any appeal is final and binding and, except for judicial review under the *Federal Courts Act*, is not subject to appeal to or review by any court.

Step 4(k): Formal Discipline

If the supervisor believes that the allegation is substantiated but, considering the gravity of the allegation, the supervisor determines that informal measures are insufficient, the file is forwarded with a covering memorandum to the appropriate officer for consideration of formal disciplinary action. If the appropriate officer decides to go by way of formal discipline the steps detailed in the next section are followed.

Step 5: Formal Discipline

Step 5(a): Notice for a Board to Designated Officer s. 43 (1)

Where it appears to an appropriate officer that a member has contravened the *RCMP Act* Code of Conduct and the appropriate officer is of the opinion that, having regard to the gravity of the contravention and to the surrounding circumstances, informal disciplinary action under section 41 would not be sufficient if the contravention were established, the appropriate officer shall initiate a hearing into the alleged contravention and notify the officer designated by the Commissioner for the purposes of this section of that decision.

Step 5(b): Three Board Members Appointed s.43.2, 43(3)

On being notified pursuant to Section 43 (1), the designated officer shall appoint three officers as members of an Adjudication Board to conduct the hearing and shall notify the appropriate officer of the appointments.

Step 5(c): Notice of Disciplinary Hearing to Member s. 43(4)

Forthwith after being notified pursuant to subsection (2), the appropriate officer shall serve the RCMP member alleged to have contravened the *RCMP Act* Code of Conduct with a notice in writing of the hearing, together with: (*a*) a copy of any written or documentary evidence that is intended to be produced at the hearing; (*b*) a copy of any statement obtained from any person who is intended to be called as a witness at the hearing; and, (*c*) a list of exhibits that are intended to be entered at the hearing.

Step 5(d): Objection to Board Officer(s) s. 44(1)

Within seven days after the day a member is served with a notice of hearing [under subsection 43(4)], the member may object in writing to the designated officer [referred to in subsection 43(1)] to the appointment of any member of the Adjudication Board, and the designated officer shall on receiving the objection decide whether to reject the objection or to allow the objection and appoint a new member of the board.

Step 5(e): Chair Appointed s. 44(6)

The designated officer shall designate one of the members of the Adjudication Board as chairman.

Step 5(f): Notice of Date, Place and Time of Hearing s.45.1(2)

An Adjudication Board shall set the place, date and time for a hearing and serve the parties thereto with a notice in writing of that place, date and time. The date and time for a hearing set pursuant to section 45.1(2) shall not be less than seven days after the day the member whose conduct is the subject of the hearing is served with the notice under that subsection.

Step 5(g): Pre-Hearing Motions

If either party has pre-hearing motions, these will be submitted to the Adjudication Board and a decision will be rendered by the Adjudication Board on these motions.

Step 5(h): Hearing: Evidence on Merits of Case s. 45.12(1)

A hearing will take place before an Adjudication Board. After considering the evidence submitted at the hearing, the Adjudication Board shall decide whether or not each allegation of contravention of the *RCMP Act* Code of Conduct contained in the notice of the hearing is established on a balance of probabilities.

Step 5(i): Board's Decision on Allegations s. 45.12(2)

A decision of an Adjudication Board shall be recorded in writing and shall include a statement of the findings of the board on questions of fact material to the decision, reasons for the decision and a statement of the sanction, if any, imposed or the informal disciplinary action, if any, taken.

Step 5(j): If Allegations Not Established Hearing is Concluded

If the allegations are not established, the hearing is concluded.

Step 5(k): Hearing: Evidence and Submissions on Sanction

If the allegations are established in the hearing, the Adjudication Board will hear evidence and submissions on possible sanctions to be administered.

Step 5(l): Board's decision on Sanction s. 45.12(3)

Where an Adjudication Board decides that an allegation or contravention of the *RCMP Act* Code of Conduct by an RCMP member is established, the board shall impose any one or more of the following sanctions on the member, namely, (*a*) recommendation for dismissal from the Force, if the member is a commissioned officer, or dismissal from the Force, if the member is not a commissioned officer; (*b*) direction to resign from the Force and, in default of resigning within fourteen days after being directed to do so, recommendation for dismissal from the Force, if the member is a commissioned officer, or dismissal from the Force, if the member is not a commissioned officer; (*c*) recommendation for demotion, if the member is a commissioned officer, or demotion, if the member is not a commissioned officer; or, (*d*) forfeiture of pay for a period not exceeding ten work days.

Step 6: Demotion or Dismissal of Commissioned Officer / Non-Commissioned Officer / Civilian Member

Step 6(a): Commissioned Officer Demotion or Dismissal

If the Adjudication Board decides to recommend dismissal or demotion of a Commissioned Officer, the recommendation is sent to the Commissioner.

Step 6(b): Commissioned Officer - Appeal to the Commissioner s. 45.25(1)

The Commissioned Officer may appeal the recommendation to the Commissioner from the Adjudication Board. The Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in s. 41(1) of the Act, or unless the member requests that the matter not be referred to the Committee and the Commissioner agrees with that request. The Commissioner's recommendation to demote or dismiss a Commissioned Officer is reviewed by the Minister of Public Safety and the Governor in Council. The Governor in Council can accept or reject the Commissioner's recommendation on demotion or dismissal of the Commissioned Officer.

Step 6(c): Non-Commissioned Members - Demotion or Dismissal

A non-commissioned officer or civilian member can be demoted or dismissed by the Adjudication Board.

Step 6(d): Review of Demotion or Dismissal by the External Review Committee

A member may appeal the decision of an adjudication board to the Commissioner. Pursuant to section 45.15 of the *RCMP Act*, the Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in section 41(1) of the *RCMP Act*, or unless the member requests that the matter not be referred to the Committee and the Commissioner agrees with that request.

Step 6(e): External Review Committee Provides Recommendations

Once the External Review Committee conducts a review of the file, it provides its findings and recommendations to the Commissioner.

Step 6(f): Commissioner Not Bound By External Review Committee Findings and Recommendations

The Commissioner is not bound to act on the Committee's findings or recommendations, but if the Commissioner does not, then he shall provide his reasons. As the Commissioner is the final level of appeal in matters of formal discipline under the *RCMP Act*, a member may not appeal the Commissioner's decision.

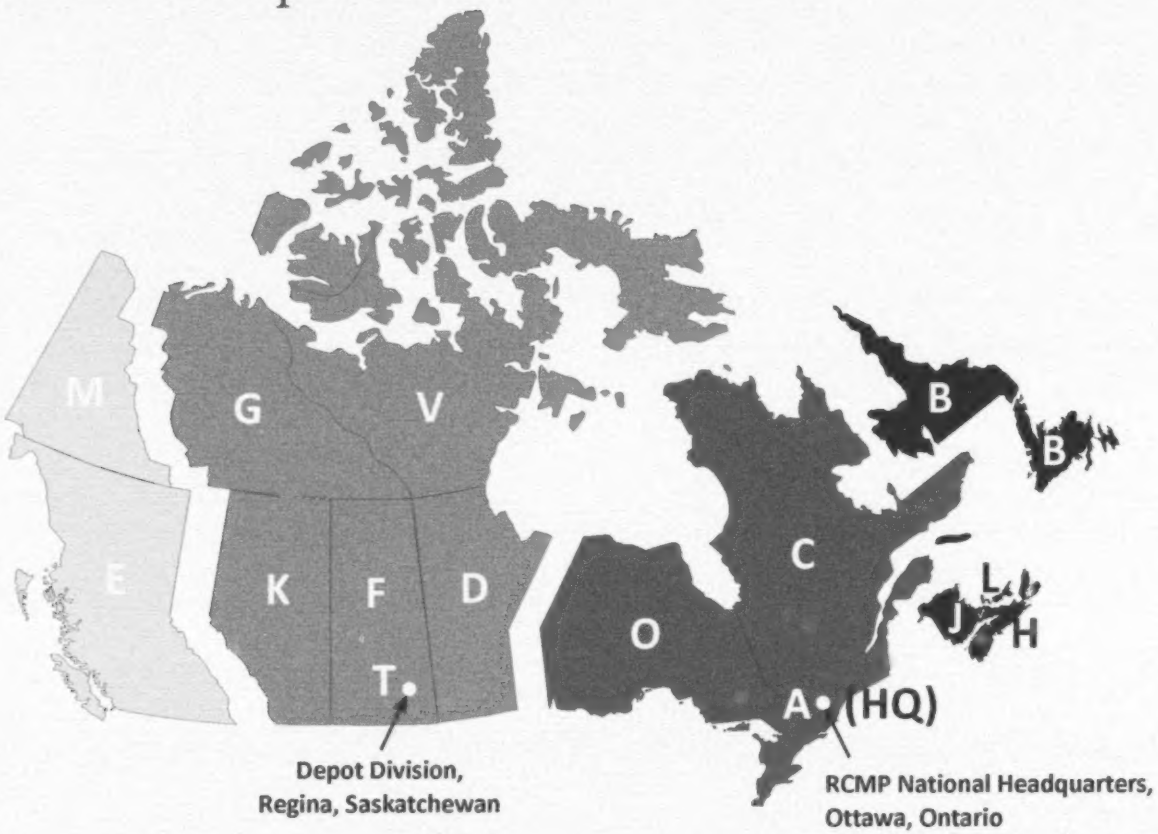
Step 6(g): Judicial Review by Federal Court

A member of the RCMP may seek judicial review of the Commissioner's decision in the Federal Court. The demotion or dismissal of a commissioned officer, a non- commissioned officer, and a civilian member can be appealed to the Federal Court, then to the Federal Court of Appeal through to the Supreme Court of Canada.

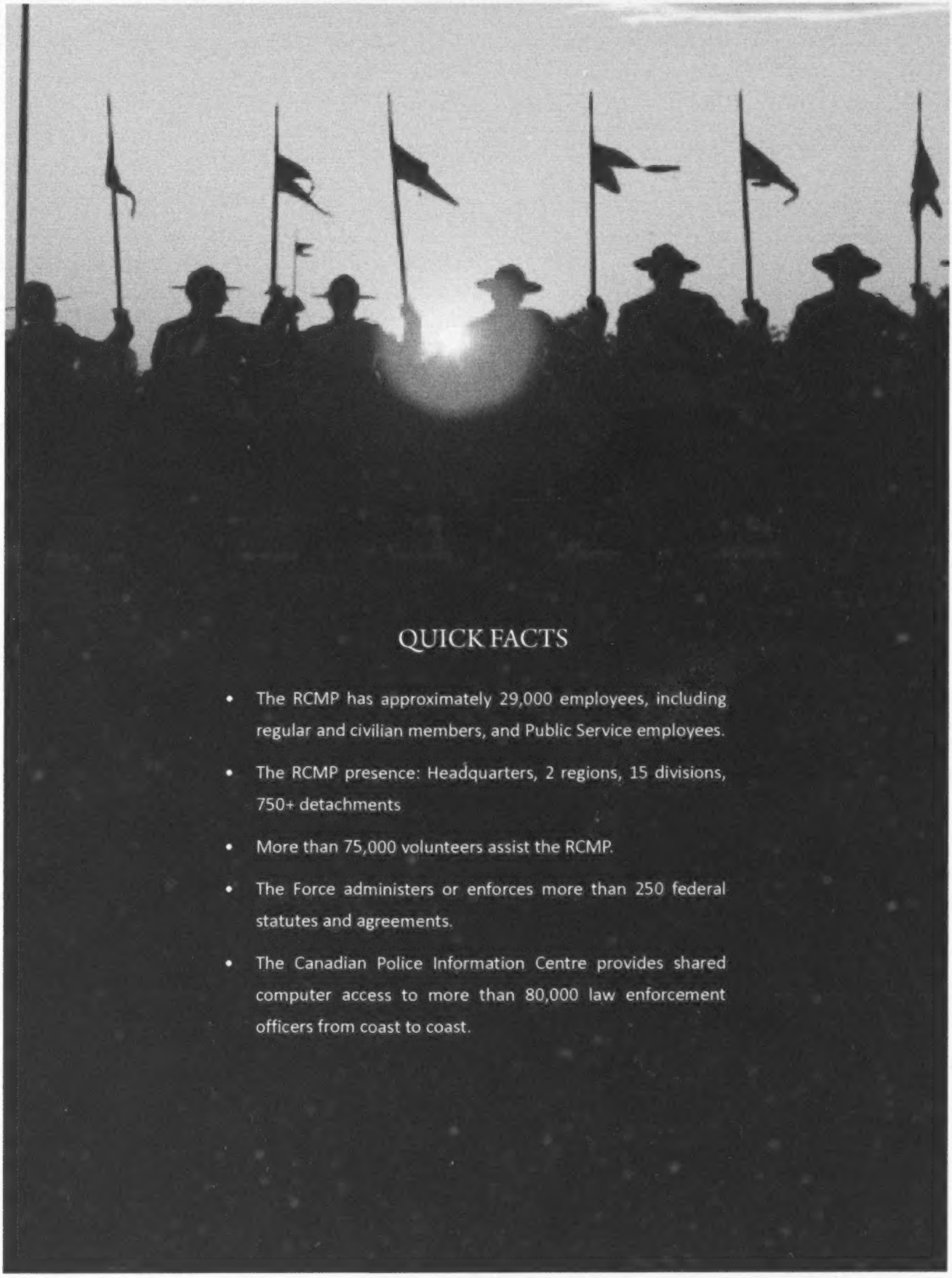
APPENDIX D

2011-2012

RCMP Divisions and Divisional Headquarters



HQ – Headquarters, Ottawa, Ontario
A – Ottawa, Ontario
B – St. John's, Newfoundland
C – Montreal, Quebec
D – Winnipeg, Manitoba
E – Vancouver, British-Columbia
F – Regina, Saskatchewan
G – Yellowknife, Nothwest-Territories
H – Halifax, Nova Scotia
J – Fredericton, New Brunswick
K – Edmonton, Alberta
L – Charlottetown, Prince Edward Island
M – Whitehorse, Yukon
O – London, Ontario
T – Depot Division, Regina, Saskatchewan
V – Iqaluit, Nunavut



QUICK FACTS

- The RCMP has approximately 29,000 employees, including regular and civilian members, and Public Service employees.
- The RCMP presence: Headquarters, 2 regions, 15 divisions, 750+ detachments
- More than 75,000 volunteers assist the RCMP.
- The Force administers or enforces more than 250 federal statutes and agreements.
- The Canadian Police Information Centre provides shared computer access to more than 80,000 law enforcement officers from coast to coast.

Notes: